

City Council Meeting Transcript - 8/16/2012

>> Mayor Leffingwell:

Morning.

I'm austin mayor lee

leffingwell.

The invocation today will be

gordon s jones,

pastor, alpha seventh day

adventist.

Please rise.

>> Oh father in heaven, we

pause this moment to

acknowledge your sovereign

authority over all.

And also, lord, we stop to

rec your bountiful

[10:06:04]

blessings that you have

bestowed on us.

We thank you for city
officials that you've
honored with wisdom,
governing authority so that
they can provide community
with peace, justice and
order.

We pray for our mayor this
morning, we pray for the
city officials at every
level, especially for this
council assembled today.

Father today address the
agenda items before them,
would you grant them wisdom
that they would govern with
a sense of community
stewardship, a sincere
desire for inclusion and a
passion for personal

responsibility.

When they have finished your
tasks, father, we pray that
each would be granted a
personal sense of peace
recognizing that they've
done well according to your
will, and your service has
been be fittingly beneficial
to all in our community, we
pray in jesus name, amen.

>> Mayor Leffingwell:

Thank you, pastor.

Please be seated.

Before we begin the meeting
today, I'd like to take a
minute of personal privilege
to talk about a new, but
temporary feature of our
city council meeting.

If I could -- there's -- are
the slides ready?

We fully expect
councilmember bill spelman
to rejoin us soon, but i
think it's important that he
know how things are going at
city hall in his absence.

So I've asked my staff to do
every statistical analysis
of how the business of the

[10:08:00]

city is going in your
absence, bill.

I hope you're watching and i
hope this is helpful.

First slide.

[Laughter].

Tie votes.

Tie votes have risen
significantly, as you can
see from this chart.

Before we had none.

And now we have some.

I think this tells you
something about the impact
that you have on the dais
here that we really never
noticed before.

The number of special called
meetings you can see is way
up.

[Laughter].

I guess you can always
assume we get things done
without you, but it's a
compliment to you that we're
going to need further
analysis on this one.

Next slide.

This slide is very
interesting.

As you can see we seem to be
more appreciative of your
opinions why you're sitting
at home versus when you're
actually sitting here on the
dias.

[Laughter].

And I'm sure -- not exactly
sure what this means either,
but I'm sure it's
complimentary.

We'll do some more analysis
on this also.

Next slide.

[Laughter].

This slide is the most

interesting to me.

It represents a huge shift
in the way we've done
business.

It's my first powerpoint at
a city council meeting.

You've inspired me.

And hopefully there will be
more in the future, maybe
hopefully there will be no
more in the future.

In summary, tie votes are
up, takes longer to get
things done, people are
finally interested in your
opinions.

[Laughter].

And I know how to do a
powerpoint presentation.

[Applause]

best wishes to you, bill.

So a quorum is present now,
so I'll call this meeting of
the austin city council to

[10:10:00]

order.

>> Cole: Mayor?

>> Mayor Leffingwell:

Mayor pro tem.

>> Cole: I also would like
to take a moment of personal
privilege, but it's directly
related to item number 20.

And also, councilmember
spelman, who we all dearly
miss.

I know that when we signed
up for public service we
signed up for a lot of
sacrifices, and as you have

pointed out on the slide, we
have done that with many
special called meetings.
However, my first born is
headed to college, and i
have changed my plans once
at considerable expense, and
I cannot and I will not do
so again.

I will not be at the special
called meeting scheduled for
saturday or sunday.

>> Mayor Leffingwell:

Thank you for that
information, mayor pro tem.

So now a quorum is present,
so we'll call this meeting
of the austin city council
to order on thursday,
august 16th, 2012.

,

we're meeting in the austin
council chambers, 301 west
second street, austin,
texas.

First we'll go to the
changes and recollections to
today's agenda.

Items number 17, 18 and 19
are withdrawn.

Item number 42 is withdrawn.

Item number 54 is postponed
until september 27th, 2012.

Item number 55 is postponed
UNTIL AUGUST 23rd, 2012.

Item number 58 is withdrawn.

Item number 86 at its time

, this

[10:12:00]

item will be withdrawn.

And item 88 at its time

, this

item, there will be a motion

to postpone this item until

september 27th.

So our time certain items

30 we'll have

a briefing on our annual

update on the city of austin

and the lcra water

partnership.

At noon we'll have our

general citizens

communications.

00 we'll take up our

zoning matters.

At 4:00 public hearings.

30 we'll have live

music and proclamations.

The featured musician for
tonight, special occasion,
is mayor gus garcia.

So items for consent are
items 1 through he 64 plus
item 89.

There will be items pulled
off consent which I will go
over in a minute, but i.r.s.

I want to read into the
record appointments to our
boards and commissions.

This is item 53.

It will remain on consent.

To the african-american
resource advisory
commission, sherri cherry is
councilmember spelman's
nomination.

Greg smith is nominated by

mayor pro tem cole.

To ant mall advisory
commission -- to the animal
advisory commission, emily
phelps, councilmember
spelman's nominee and larry
tucker, councilmember
morrison's nominee.

To the arts commission,
scott dagle, councilmember
spelman's nominee.

To the airport advisory
commission, george barris,
councilmember spelman's
nominee.

To the board of adjustment
and sign review board, bryan
king is councilmember tovo's
nominee.

To the bond oversight
committee, moses garcia is
councilmember spelman's
nominee.

[10:14:01]

To the building and fire
code board of appeals, frank
haught is councilmember
spelman's nominee.

To the building and
standards commission,
charles clotman is
councilmember morrison's
nominee.

To the commission for women,
julia cuba is councilmember
spelman's nominee.

To the community development

commission, john lamone is
mayor leffingwell's nominee
and cassandra taylor,
councilmember spelman's
nominee.

To the construction advisory
committee, eddie hertz
junior, councilmember
spelman's nominee.

To the design commission,
hope hasbrooke,
councilmember spelman's
nominee.

And james shee, mayor
leffingwell's nominee.

To the downtown austin
community court advisory
committee, tim miles
nominated by councilmember
spelman.

To the downtown commission,
tina fernandez nominated by
councilmember spelman.

And joel is here, nominated
by mayor pro tem cole.
Early childhood council,
aadvicewallace is
councilmember cole's
nominee.

To the electric board
christian wagner is
councilmember spelman's
nominee.

To the environmental board,
robin gary is councilmember
spelman's nominee.

To the ethics review
commission, james sasson,
councilmember spelman's
nominee.

To the historic landmark
commission, dan leery, mayor
leffingwell's nominee.

To the human rights
commission, tom davis is
nominee -- excuse me, to the
human rights commission, tom
davis is councilmember
spelman's nominee.

To the impact fee advisory
committee, dick callerman is
councilmember spelman's
nominee.

The lake austin taskforce,
william more arrestty is the

[10:16:01]

water and wastewater
commission representative.

To the library commission,
olga wise is councilmember
spelman's nominee.

and
small business enterprise
procurement advisory
committee, anne heratunian
is councilmember spelman's
nominee and andy ramirez,
mayor leffingwell's nominee.

To the mechanical, plumbing
and solar board, paul hovey,
councilmember spelman's
nominee.

To the metropolitan cultural
center advisory board, juan
(indiscernible) is mayor
leffingwell's nominee.

To the parks and recreation
board, jeff rancel,

councilmember spelman's
nominee.

To the planning commission,
might ron smith, nominated
by councilmember morrison.

To the public safety
commission, kim rosмо,
councilmember spelman's
nominee.

Resource management
commission, shaun kelly,
councilmember spelman's
nominee.

Tony kipton martin,
nominated by mayor pro tem
cole.

To the urban forestry board,
tom hays is councilmember
spelman's nominee.

To the urban transportation
commission, sheila holbrook
white is councilmember

spelman's nominee.

To the waterfront planning
advisory board, robert
pilgrim nominated by
councilmember spelman.

To the zoning and platting
commission, patricia
seeinger also nominated by
councilmember spelman.

Waivers for our board
members, first approve a
waiver of the residency
21 of
the code for melvin white's
service on the austin
community technology and
telecommunications
commission.

And approve a waiver of
residency requirements under

section 21 of the code for
the service of calvin
williams and eddie hertz

[10:18:02]

junior on the construction
advisory committee.

Approve a waiver of the
residency requirement at
21 of the code for ronnie
williams' service on the
electric board.

Approve a waiver of the
residency requirement in
21 of the code
for anne heratunian's
service on the advisory
committee.

Approve a waiver of the
residency requirement in
21 of the code

for the service of thomas
combs and paul hovey on the
mechanical, plumbing and
solar board.

And approve a waiver of
simultaneous service on more
than one city established
board as provided in section
21-21 of the city code for
bryan rourk's service.

Those are the nominees for
board and commissions, item
53.

The following items have
been pulled off the consent
agenda.

Item 11 is pulled by
councilmember morrison.

Item 16 will be pulled for
presentation by the law
department.

Items 56 is pulled by

councilmember tovo.

Going back to item 52 is

pulled by councilmember

morrison and item 57 pulled

by councilmember morrison.

The following item is pulled

off of consent due to

speakers and that would be

item 20.

We have several speakers who

have signed up to speak on

various items.

And some of these I'm going

to pull at this time because

we have late signers up.

I'm going to pull item

[10:20:00]

number 4 -- 4 and 5

together.

And that's it.

We do have several speakers
who are signed up to speak
gus
pena.

You have three minutes to
speak on any of the items on
consent.

>> Mayor and councilmembers,
city manager, gus pena,
proud east austinite.

Proud marine corps veteran
I'm here to speak on item 15
and it's approving accepting
grant funds in the amount of
1,256,000 etcetera, and I'll
make it brief, central
health care district is a
concern we have in the
community.

I know they just passed
their budget.

I think it was last night.

One of the things that we
found out, we have been
fighting this issue for many
years, even back when
camille barnett was city
manager.

And then jesus garza when he
was city manager, but also
when mayor bruce todd was
the mayor at that time in
the 1990's.

The application process for
card
is very difficult, very
lengthy, and I would ask
that this council, as I did
to the commissioners' court
court and judge biscoe, look

at this and the process
because this is a lengthy
process.

A person needs a clinic
card in order
to get preventive health
care issues taken care of,
they could die, they could
pass away.

[10:22:00]

I would ask you along with
this item number to look at
that issue.

Mayor pro tem cole, when you
were first running for
office I brought up this
issue along with the
homeless issue.

I asked every one of y'all
to dialogue with the central

health care district and see
if we can streamline the
process and be enrolled
quickly.

Thank you very much.

Have a good day.

>> Mayor Leffingwell:

Thank you.

will McCloudy.

>> Good morning, mayor,
council.

Will mccleod.

My condolences go out to
councilmember spelman who is
not here today.

Unfortunately gus spoke
earlier and he said

something to do with the
m.a.p. program.

This doesn't have to do with
the m.a.p. program.

This has to do with obama
care.

And I want you to see this
video real quick.

>> [Inaudible]

.. doesn't get into much
trouble, but on monday
trouble found her.

>> Jolly rancher.

It was green.

>> She was eating lunch at
brazos elementary in
orchard, a friend gave her a
piece of hard candy.

Then she got busted.

>> They just took it away

before I got to eat it.

>> She never gets in

trouble, so when she got in

trouble she got upset.

>> Imagine her parents

surprise when she came home

with this, a week's

detention, why?

Candy at the lunch table.

>> I think it's stupid,

really.

I mean, to give a kid a

week's detention for a piece

of candy.

>> We reached out to the

school's principal and

superintendent.

Neither would talk to us on

camera.

But they did tell us they
were simply following a
state law that limited junk

[10:24:01]

food in schools.

School officials told fuss
they didn't follow that code
they could lose federal
funding.

>> Pause that.

Pause that, please.

All right.

They will lose federal
funding.

And what federal funding is
this?

This is the centers for
for--

>> I've got your time paused
here.

You were speaking on items
that were on the consent
agenda.

So please -- have a
relationship with what
you're talking about with an
item on the consent agenda.

>> Yes, it is.

It has to do with healthy
eating, active living, and
obama care.

Basically also knowns the
patient protection and
affordable housing care act
of 2010.

>> Mayor Leffingwell: Is
that on the agenda?

>> Item 15.

All right.

Do you want, ladies and gentlemen, do you want that for your children?

Do you want these nanny states?

I don't.

I don't want the government telling me that I can't smoke inside my own home or my own apartment or what light bulbs to use.

That's what this funding grant is about.

And we're getting sick and tired of it.

Obama care will be repealed.

And let me ask who is going

to pay for this?

There's a lot of people that
are working under the table.

Who is going to pay for
this?

You can't expect everyone to
pay for this.

It cost us \$20 trillion in
debt.

That's unacceptable.

Thank you.

[Buzzer sounds]

>> Mayor Leffingwell: Next
speaker is michael
(indiscernible).

Please correct me if i

mispronounced your name.

>> That's close.

I am here on items 28, 32

[10:26:00]

and 42.

Thank you, capital metro,
for putting bike stations in
that will help some riders
from north austin that will
be riding more with it.

And the palmer events center
and the solar lighting, not
everybody can afford to do
it in their homes, but it's
good to at least do in some
public places.

And 42 is bikes for public
works.

Chris riley may not be alone
in driving to work on his

bike, but anyway, thank you.

Have a good day.

>> Mayor Leffingwell:

Thank you.

Those are all the speakers
that I have signed up to
speak on the consent agenda.

I'll entertain a motion to
approve?

Councilmember martinez moves
to approve the consent
agenda.

Seconded by councilmember
riley.

>> Morrison: Mayor?

>> Mayor Leffingwell:

Councilmember morrison.

>> Morrison: I'd like to
make one very brief comment

on item number 22.

It's a terrific item about
our library book sales
program.

And I just have a request
for the city manager.

Concern was raised about why
this didn't come through the
library commission.

And so I would just like to
ask that we give some
thought and maybe have a
future conversation about
when things do or don't --

>> Mayor Leffingwell:

Councilmember, our
procedures are if we have
comments to pull it off of
consent.

So if you don't mind I'll
pull item 22 off of consent.

>> Morrison: I'll leave it
on.

>> Mayor Leffingwell: You
want to leave it on?

>> Morrison: Yes.

>> Mayor Leffingwell:
Thank you.

Any further discussion?

All in favor say aye?

Opposed say no?

It passes on a vote of six
to zero with councilmember
spelman off the dais.

[10:28:19]

30, council,

we'll go directly to our

30

briefing, and we'll pick up

after that with our consent

agenda.

We need to get you turned on
there.

>> Greg musarus with austin

30

briefing.

Can we start up the

presentation?

While he's starting it up,

by way of introduction, in

2007 the city of austin and

lcra signed a water

partnership agreement.

The agreement settled all

open disputes between the

two agencies and set up a

management structure by
which the two agencies
collaborate on a regular
basis.

As a part of that agreement
there is a requirement that
the city council have at
least one annual update in
person per year, and we're a
little behind schedule.

This got postponed a bit,
but this is the 2011 update
for you today.

It will be fairly brief and
I'll answer any questions
that you have.

>> Mayor Leffingwell: You
could do the 2012 report at
the same time if you would
like.

>> Almost.

The partnership was created to work jointly to evaluate, plan and implement strategies for future water supplies for austin.

We have secured long-term water supplies so the actual planning of new supplies for austin many years into the future, but the partnership also works to cooperatively manage and optimize existing water supplies.

We take into account overall

[10:30:01]

base and need in terms of quality of water in the highland lakes and the river system.

At the heart of the partnership is a cooperative management structure that allows the two staffs to work closely together.

Executive management committee that is formed with two senior executives from the city of austin, myself and acm robert goode, as well as two senior executives from lcra.

Currently that's kyle jenson and henry ebee.

In the past becky motel served on that and it's been a nice linkage to their leadership team.

There are various committees that advise and support the committee, including an outside stakeholder

committee consisting the
representatives throughout
the basin.

That committee is approved
and I eyepoint bid both the
lcra as well as the city
council.

In 2012 a few of -- in 2011
a few of our key activities
was working on the lcra
revisions to the water
management plan.

That's the plan that governs
how highland lake water is
released, particularly for
interruptible downstream
we
collaborated closely on the
drought that occurred in
2011, worked to develop
approaches and share

thoughts on potential pro
rata curtailment and
collaborate on water
conservation.

We work with them on a
long-term demand projection.
Every few years we do demand
projections through the
texas region k process.
That's about a 50 year
projection window for lcra.

We included a longer term
window which also included
steam electric, water demand
projections as well as
received input from the
stakeholder committee review
on those projections.

Various technical
discussions on water issues

as well as again a meeting
with our basin wide
stakeholder committee.

In 2012 activities that we
are working on and will
continue to work on, we are
jointly filing and have
filed an application to tceq
seeking water rights to our
reuse water.

There's two types of reuse
water, direct reuse water
that we take before it

[10:32:01]

enters the river out of the
wastewater plants and then
once it enters the river
what we call beds and banks,
austin agreed to partner

with Iera on a joint
application for that water
in the future.

We'll continue to monitor
the progress of the approval
of the water management plan
at TCEQ as well as the
standard work on drought pro
rata and additional water
right issues that may come
up.

And so that's it.

And we'd be happy to answer
any questions on this annual
update.

>> Mayor Leffingwell:

Questions, council?

Thank you very much.

It is.

Without objection, council,

I'd like to go to item
number 57 because I know we
have a number of people
signed up to speak, but i
will be suggesting a change
to this resolution to delete
the part about providing
five additional days for use
of auditorium shores.

That was a staff request and
based on the need to have
more folks using auditorium
shores who would be at the
same time required to make
improvements in return for
using the facility, I just
want to let you know I will
be making that proposal for
an amendment to that
resolution.

So we're going to go to the

speakers, I guess.

Michael sitsenevansa.

Councilmember tovo?

>> Tovo: While the

speakers are coming up, may

I ask for a clarification.

I assume that's the

paragraph -- I know we have

speakers who probably want

[10:34:00]

to speak to this, so that's

why I'm asking for

clarification now.

So that would be are you

going to suggest cutting the

clause be it further

resolved the city manager 17

courage with the

redevelopment of the turf

area at auditorium shores to

identify a reasonable number

of additional rental days
not to exceed five, you're
going to propose eliminating
that whole clause?

>> Mayor Leffingwell: Yes.

>> Tovo: Okay.

Thank you very much for that
clarification.

>> It's good you're adding a
second weekend and I hope we
will have may some more
one-day passes.

A lot of people participate
and it's just hard to go for
three days when you may only
go one day.

>> Mayor Leffingwell:

Thank you.

Cindy collins?

You have three minutes.

>> Thank you, mayor and
council.

I appreciate that that
language will be withdrawn
from number 57.

Bouldin creek neighborhood
association was opposed to
that language.

First and foremost the
language in there was not
germaine to the acl and the
zilker extension.

That was in the language in
that particular resolution.

And as well that we felt
that the city manager should
not only consider turf
redevelopment in looking at

additional event days there.

We are seeking an urgent
analysis of event at zilker
and town lake parkland that
have impacts on parking
traffic and also mass
transit.

And we hope that council
will consider that.

>> Mayor Leffingwell: All
right.

Thank you.

We will be looking at all of
that, including this clause,
we'll just study it over a
longer period of time to see
how it will be handled.

Next speaker is susan
moffett.

Jamie grant?

[10:36:05]

>> Good morning.

I work at the long center
for the performing arts and
I guess I'm here to support
the mayor's recommendation
or change as it relates to
auditorium shores.

It is imperative that there
be some sort of long-term
study that contemplates how
all of these things -- the
palmer events center, long
center and auditorium shores
can work together.

I don't believe everything
that I read in the
newspaper, but if I only

believe half of it, my guess
is that the palmer events
center needs to be busier in
the future, not less busy.

I know the long center needs
to be busier, not less busy.

And auditorium shores is a
great place to do wonderful
events and we need to look
at how all of these things
fit together.

So with the mayor's
amendment accepted, we
support that.

Thank you for your time.

>> Mayor Leffingwell: I do
want to mention another
driving especially fetus for
the five days is the fact
that waterloo park in
northeast central downtown
austin will be closed for a

period of time due to tunnel construction.

Events are held there and we would like to have some outlet, some replacement venue for these events, but we'll be looking at all of those in the near future.

Melissa hawthorne?

>> Good morning, mayor, councilmembers.

I'm here on behalf of the barton hills neighborhood association.

We have been in good faith discussing with c3 their plans for the event and we're a little concerned with the added language.

And I am glad to see that it has been removed.

In the area of town we've
seen a lot of growth and
multi-family structures down
the corridor, which is where

[10:38:00]

we want them.

But all of those people are
now geared towards these
parks.

And we're talking about more
and more events.

Blues on the green has now
become a very large event of
20 to 30,000 people where it
started off very small.

We're just concerned that
the parks aren't growing in
the urban core.

They need to be maintained.

And that passive spaces that
has a great benefit.

I thank you for your time.

>> Mayor Leffingwell:

Thank you.

Those are all the speakers
that we have signed up to
speak.

I'll entertain a discussion
or a motion from council.

Councilmember martinez.

>> Martinez: Thanks,
mayor.

I just want to make a brief
comment that I'm certainly
supportive of some of the
concerns that are being
raised of the neighbors
around auditorium shores,

but when we look at planning events for our park system, we need to look at it from a holistic standpoint because if you don't expand the ability to have events at one park, they're simply going to request another park in a neighborhood, and more specifically I'm speaking about fiesta gardens.

Fiesta gardens, which historically had two events a year, cinco de mayo and deiz y seis, now has multiple events.

I think the neighborhood welcomes them, we enjoy the activity, but we need to look at it this from a

holistic standpoint of our
park system and not just one
park in central austin
because it will have to be
balanced.

Events are going to happen,
austin is going to continue
to grow.

So I don't want us just to
look at this from the
standpoint of auditorium
shores.

We need to look
we need to look
at it from the entire park
system standpoint.

So that's just the comments
I'll leave to the city

[10:40:01]

manager.

>> Councilmember morrison?

>> Morrison: I appreciate

the comments of

councilmember martinez and i

wanted to comment that over

the past couple of weeks,

obviously there have been a

lot of community dialogue

and confessions about the

parks on lady bird lake.

And I think a lot of very

important issues have arisen

that really need to be

captured and put into a

dialogue between staff and

the community, and such as

the issue of looking at

things holistically, but

also I think as the

representative from the long

center mentioned, we need to

be looking at the capacity
of our parks and the
trade-offs and where
investments in our parks are
going to be.

So I would certainly look
forward to a really
thoughtful conversation.

Not to mention that the
25-day limit was the product
of a thoughtful
conversation.

So I think to honor that
it's important that we
evolve with an additional
community engagement to
figure out what's right for
this city.

So I'm certainly going to
support the item when an

amendment is made to remove
that one line.

And I want to thank the
representatives from c3 for
their very diligent and
thoughtful efforts in
engaging the community in
their discussions on the
extra weekend and they're
willingness to invest in
this community.

>> Mayor Leffingwell: And
I want to comment also that
technically this is strictly
an administrative decision
and would not come before
council, but because of the
importance and the interest
of citizens around this
area, we decided it would be
good to bring it before the
city council so that there
would be opportunity for

discussion on it.

Councilmember tovo?

>> Tovo: I have a few

[10:42:00]

small amendments to propose,

but I was going to wait

until someone makes a

motion, one of the sponsors.

>> Mayor Leffingwell:

Councilmember martinez moves

approval.

And I'll second.

Councilmember tovo.

>> Tovo: Thanks very much.

>> Mayor Leffingwell:

That's of the amended,

correct, councilmember

martinez?

>> Tovo: Great.

And impassing down a few

very small -- I am passing

down a few very small

additional amendments.

And I too want to extend my

appreciation to c3, who has

been working really

diligently with the

stakeholders and I think

it's a very good dialogue

and a very productive one.

And I look forward to

hearing the successful

outcome of that.

The amendments that you see

before you are those that i

have talked with

stakeholders about as well
as c3 presents, and they
have no concerns about them.

It would add an additional
whereas clause just to
recognize that the
ongoing -- that there are
ongoing negotiations with
stakeholders and then a
further resolved, be it
further -- I'll read it
aloud for those who don't
have copies.

Whereas c 3 presents has
been working with community
groups and neighborhood
associations to collaborate
on solutions for mitigating
the impacts of the austin
city limits music festival
on surrounding residents and
businesses.

And then a companion be it
resolved clause just saying
that the director of the
parks department and the
city manager will ensure
that any resulting agreement
reflects stakeholders' input
to the greatest extent
practicable.

Again just to recognize that
there is ongoing -- there
are ongoing negotiations and
that those will be reflected
in the eventual agreement.

And I know that is c3's
commitment and I have every
expectation that those will
be good and very productive
negotiations.

And then the additional amendment would be one that encourages the city manager to work with c 3 presents to see if the farmers market -- to keep the farmers market open during those two

[10:44:00]

weekends of acl.

This is something that some of the vendors at the farmers market mentioned to me was a concern to them because when the market is closed they don't have and so extending that to two weekends would really be a hardship on them and their business.

And we want our small businesses and our vendors at the farmers market to continue to be successful.

So I know that again that c3 is committed to working with them to talk about solutions that would provide better access for their vendors and for their market customers.

And again, this amendment just recognizes that ongoing commitment and that those discussions need to happen.

So I'd like to propose all three of those as friendly amendments, please.

>> Martinez: Mayor and councilmember tovo, i appreciate the amendments, and the context of the

amendments, but I can't
accept them as friendly
because this is a negotiated
item between the city
manager.

And when I read language
such as ensure, that doesn't
leave room for negotiations.

That pretty much says city
manager, you will put into
this agreement whatever the
stakeholders tell to, and i
don't think that gives him
the ability to negotiate, or
staff.

That's why we chose the
language, and actually the
language that we put in this
resolution was provided to
us by law, and that's why we
used like encourage
because that tells the city
manager this is a policy

value of ours and we're
strongly encouraging you,
but to tell the city manager
you shall doesn't leave him
room for negotiations.

And so I'm happy to
entertain this language.

There is more, a neutral
tone to it, as opposed to
being directive -- to me
ensure and encourage is very

[10:46:01]

similar to the terms shall
and may in a directive.

And this to me seems like a
shall and not a may.

>> Tovo: I appreciate that
comment and that was why i
think the clause you're

probably looking at -- i
guess -- in the first be is
resolved that ensure
stakeholders input to the
greatest extent practicable.

I was trying to build in
that understanding that some
of the suggestions and some
of the concerns may not be
practical or logistical or
things that anybody has
control over.

But I'm certainly open if
you've got a synonym you
would prefer.

Will work toward ensuring or
will --
>> for me it doesn't need to
even be said.

I think the whole point of negotiations is that the city manager and staff are trying to meet all of the stakeholders' concerns.

But if you wanted it in there, I'm okay with that.

It just needs to be where it allows for those negotiations to take place.

>> Tovo: And if I may just provide a little context for this.

We did hear some concerns from stakeholders that the negotiations are ongoing.

And that it might be more appropriate today instead of negotiating -- instead of encouraging negotiation and implementation, to just encourage ongoing

negotiation.

And so this is -- after
talking with c3 presents,
they would like the existing
language of negotiating and
recommending to remain in
the resolution, but I am
trying to give voice to the
stakeholders who are saying
we're still in the process
of discussing.

We want to be sure that the
agreement reflects the
discussions.

Again, I'm certainly open to
tweaking the language.

I know that c 3 will
continue their dialogue, but
I think to have a
resolution -- please, if you
have a suggestion, mayor.

[10:48:00]

>> Mayor Leffingwell: As
councilmember martinez says,
the language is very
carefully constructed
because this is an
administrative manner.

It's really not under the
purview of the council.

That's why we're using the
word encourage instead of
directed.

First of all, in the first
resolve you need to strike
director of the parks
department because the
director of the parks
department works for the
city manager and he will
encourage her.

We don't need to be encouraging the director of the parks department.

If we just said the city manager is encouraged to ensure that any existing agreement reflect stakeholder input to the greatest extent practical.

>> Tovo: Would you read that one more time, please?

The city manager will?

>> Mayor Leffingwell: The city manager is encouraged to ensure that any resulting agreement reflects stakeholders input to the greatest extent practical. Practicable.

Councilmember martinez may
have something to say about
that too.

And on the second one the
same word, instead of city
manager is directed, the
city manager is encouraged.

>> Tovo: With all due
respect I'm not sure why we
can't say direct the city
manager because we do
frequently in resolutions.

I was going to propose the
city manager is directed to
work with c3 presents on
strategies that would permit
the sustainable food centers
austin, blah, blah, blah,
that would basically that
would -- to work with c 3
presents on strategies that

would permit the farmers
market to remain open and to
explore strategies.

And I think that's pretty --
it's not assuring that --
it's directing --

>> Mayor Leffingwell: It
would be consistent if we
used encourage throughout

[10:50:00]

the document.

And I don't know if there
would be any potential
charter conflict, but i
don't see any use in getting
into that discussion if we
don't have to.

Councilmember martinez.

>> Martinez: Again, i

absolutely am supportive of
negotiations going on and
trying to keep the farmers
market open during acl fest.

I don't oppose that.

I'm supportive of that.

So as long as we can
continue to encourage the
city manager that those are
policy values of ours and
leave it up to the city
manager to negotiate that,
I'm fine with it.

I just want it to be -- we
don't even have to change
the language.

I just want it to record
that I don't want this being

a directive that the city
manager will do something in
a negotiated process that
hadn't taken place?
Taken
place.

>> Mayor Leffingwell: Are
you willing to change your
language?

>> Tovo: I think that's
fine.

I think everybody
understands the intent,
which is to try to keep the
farmers market on.

I think the staying holders
understands that intent and
I think c 3 does.

And so if that makes the

maker and seconder more comfortable, I'm happy to adjust it in that way.

>> Mayor Leffingwell: So it's friendly to the maker, councilmember martinez, and to myself, with the edited or revised additions on this piece of paper that is incorporated into the motion.

>> Tovo: Thank you.

>> Mayor Leffingwell:

Further discussion?

All in favor say aye?

Opposed say no.

It passes on a vote of

five-zero -- six-zero,

councilmember martinez?

Six to zero with

councilmember spelman off

the dais.

[10:52:01]

Let's go now to item 16,
which is the law department
ready on this?

>> My name is chris copollo,
I'm with the law department
and here to recommend a
settlement in the ronnie r
esparza during the city of
austin, who has claims
against the city, including
a claim for worker's comp
retaliation.

If the council does approve
this settlement, it will
also settle a similar other
lawsuit ronnie esparza
versus city of austin, which
is a worker's compensation
lawsuit.

As was discussed in an
executive session on
AUGUST 2nd, 2012, THE
Settlement agreement
generally contains the
the city
esparza and his
attorney the gross amount of
\$104,200.

This amount will be paid
from the city's liability
reserve fund.

The third party
administrator for the city's
worker's compensation claims
will pay approximately
\$15,520 to resolve this
separate worker's
compensation appeal filed by
mr. esparza.

In exchange for those
esparza will

dismiss both of his lawsuits
against the city with
prejudice to refiling.

The parties will mutually
release one another from any
claims that could or would
have been asserted in those
lawsuits.

The lawsuit department
therefore recommends that
council approve payment of
settlement in the amount of
esparza
under those terms.

If you have any questions i
would be happy to answer
them.

>> Mayor Leffingwell:

Questions?

Mayor pro tem?

>> Cole: I move approval.

>> Mayor Leffingwell:

Mayor pro tem cole moves.

Seconded by councilmember
morrison.

All in favor say aye?

Six to zero, councilmember

[10:54:00]

spelman off the dais.

Number 11 pulled by
councilmember morrison.

>> Morrison: Thank you,
mayor.

This is an item that
addresses our plans to do an

aquatic facility strategy
and master plan which I'm
very excited about.

I think we've had some very
visible discussions over the
past year about various
issues concerning pools and
where they should be and
which ones should be shut or
stay open, which one should
remain free.

So this is going to be a
great way to move forward.

In fact, councilmember
martinez and I did a
resolution awhile ago which
the council approved, which
I appreciate, setting forth
a request to move forward on
this with some very specific
key goals and thoughts in

mind.

And I'm very comfortable
with the selection of
this -- of this particular
organization.

The thing that I would like
to do, though, is be able
to -- I have had some great
conversations with staff
over the past few days about
what exactly is going to be
in the scope of work and
what's going to be covered
by staff versus what's
covered by the consultants.

And also it appeared that we
were able to come to terms
and understand what each
other was saying, but there
was some confusion and
clarification needed about

what the different goals of
the plan were in the first
place.

So what I would like to do
is request that -- suggest
that at this point we just
authorize negotiation that
would allow us to continue
those plans and
clarification, things on the
table, and then come back to
approve execution.

So that's going to be my

[10:56:00]

motion and I wonder if staff
could speak to -- if you
think that that's going to
cause any trouble at all in
terms of the timing and the

timeline of your plans for
moving this forward.

>> No, that shouldn't impact
the project.

>> Morrison: Great.

Thank you very much.

I appreciate your work on
this and I'm looking forward
to the effort.

So mayor, I move that we
approve number 11 with the
amendment that it's only to
authorize the negotiation,
but not the execution of the
professional services
agreement.

And we would expect to see
it back for execution.

>> Mayor Leffingwell:

Motion by councilmember
morrison.

Negotiation and execution

will be at a later date.

Second?

All in favor say aye?

Opposed say no?

It passes on a vote of six

to zero with councilmember

spelman off the dais.

And 52 pulled by

councilmember morrison.

>> Morrison: Thank you,
mayor.

I wonder if we could get
staff to talk a little bit
about this item.

It is an item for -- for us
to approve a resolution
indicating the city's
consent to the issuance of
bonds for a particular
private school in town.

And I wonder if staff could
talk about what we're doing
here and what the meaning
is.

>> Arnold (indiscernible),
city treasurer.

This is occasionally
something that comes up for
approval, nonprofits that
want to access the tax
exempt market for lower
borrowing cost.

It's in the city's
boundaries.

And there is no recourse to
the city, no liability.

It's not part of the city's
debtor the city's bond

[10:58:02]

capacity.

>> Morrison: Great.

I appreciate the absences we
got to the questions on it.

And one my questions is why
is this each part of the
framework of issuing these
bonds?

I wondered why the city was
involved.

And the answers were -- and
I appreciate the answers.

Number one, to give notice
to residents where the
proposed project is located,
an opportunity to voice
their opinion.

And there was a public hearing although nobody showed up and nobody made any comments.

And second to give the local government input on whether it's being financed with tax so could you tell us what -- I know it's a simple question, what it means to be financed with tax exempt debt?

>> Yes.

Tax exempt debt, they're obviously going to get a lower borrowing cost since it's a nonprofit, the regents school.

They're able to lower the borrowing costs, which will

in turn create lower for the
students -- what's the word
I'm looking for?

Their tuition can be
lowered.

So this particular loan is
to build this school with
improvements to the
surrounding area as well.

There were some flood
control issues that went
before the watershed
protection committee.

>> Morrison: There were
some cases already.

So on the other hand it will
lower their costs, but where
does that money come from?

>> From tuitions that

they --

>> Morrison: No, I mean
where does -- the bottom
line for me that I'm trying
to get at is it's -- yeah,
they're selling tax exempt
bonds, which mean people can
buy those bonds and not have
to pay tax on that.

>> Correct.

>> Morrison: So that's
sort of the logic that I've
been following as I've been
wrestling with this issue,
and that is that in essence
what it means is that there
is a tax impact, decreased
revenue and taxes on the
federal level.

And to the benefit of a

private school.

And where I've come to on this, we have such amazing public education finance problem that I'm concerned about being part of the process where our taxpayers are in essence subsidizing a private school.

I think that we really need to be beefing up as much as possible taxes that would be available for public schools.

So this is -- therefore this is not an item that I can support.

And I'd like to make a motion that we deny our consent.

>> Mayor Leffingwell:

Motion by councilmember
morrison.

Is there a second?

>> Tovo: I'll second.

>> Mayor Leffingwell:

Seconded by councilmember
tovo.

Mayor pro tem cole.

>> Cole: Elaine, you might
want to come forward also.

Tax -- I would like someone
to explain what tax exempt
bonds are exactly.

And by that I mean
individuals may hold tax
exempt bonds in their

retirement accounts.

I'm sure that the city holds
tax exempt bonds in its
retirement accounts.

So can you explain what that
means in terms of the
taxes -- just what is a tax
exempt bond?

>> Jerry kyle with andrews
kurth.

My partner is handling this
transaction so I am here to
answer a few questions.

Just to clarify, the subsidy
for this kind of financing
comes from the federal
government.

So the bonds are issued on a
tax exempt basis.

And that's really the --
where the economic benefit
is derived from the tax
exemption on the bonds.

And that flows from the
federal government.

The city's approval is
required under the internal
revenue code as a procedural
matter to ensure that the
temporary rancel hearing was
held and to have the city
give its approval.

>> Cole: So we have no
obligation when it comes to
giving our consent, is that
correct?

>> Yes, ma'am, that's
correct.

>> Cole: Do we hold any
tax exempt bonds as a city?

>> Yes, we do.

>> Cole: Okay.

And I don't think we've made
it clear that when you go to
the market and you're
actually purchasing tax
exempt bonds, you are paying
a lower interest rate to the
governmental entity.

And why those type of bonds
are issued.

>> Well, those type of bonds
are issued for many reasons.

Obviously the tax exempt
market is lower than the
taxable market, so in any
instance where you can
access the tax exempt
market, we chose to do that.

There's a time that the city
has tax exempt bonds so
we're not under the i.r.s.

Regulations.

>> Cole: So it works both
ways.

We hold tax exempt bonds and
also we as an entity also
issue tax exempt bonds.

And one of the main reasons
is my understanding for that
is because of the safety.

Factor.

>> Depending on who the
issuing body is, yes.

>> Cole: And when I say
the safety factor, over the
past years the market has
been so bad that we have not
wanted to take our pensions,

our firefighter pensions,
our police pensions, and we
have moved more and more of
them into tax exempt
holdings so that we did not
risk default.

Is that correct?

>> Correct.

So you're talking now about
equity markets versus tax
exempt bonds?

>> Cole: Exactly.

I wanted to make clear, a,
that this did not mean any
obligation to the city.

And two, they are very
common.

And three, it's something
that the federal government
is only asking us to issue
consent on.

And that we wouldn't want to
get crosswise with the
federal government absent a
good reason.

And it doesn't mean that we
would necessarily not be
supporting our schools.

>> In general these type of
transactions have been on
formality, just a technical
calty of the i.r.s.

Regulations.

>> Cole: Mayor, I'll move
approval.

>> Mayor Leffingwell:

There's a motion.

You have a substitute motion
to approve.

>> Cole: I'll make a
substitute motion to
approve.

>> Mayor Leffingwell:

That's by mayor pro tem and

I'll second that.

Councilmember tovo.

>> Tovo: I have some
additional questions.

And I appreciate the
questions and also
councilmember morrison's
comments.

But just to get back to the
issue you were just talking
about, it is a formality,
but how could we get
crosswise with the
federal -- I guess I'm not

understanding how we could
get crosswise?

You've express it had as a
formality, but it does say
in our backup materials that
it's the cultural education
facilities finance
corporation acts permits a
nonprofit corporation acting
on behalf of a city or
county to sell bonds, make
loans or enter into leases
to finance or refinance
cultural and community
facilities.

So in essence when a
municipality gives an
endorsement of it, you're
saying that they are acting
on behalf of a city or
county to do so.

>> My understanding
historically when we've done
these type of transactions
is not so much the concern
is we don't want some
extremist school, for
example, so that's what the
council would be looking
for.

Other than the formalities
that they hold their public
hearing, that they meet all
their requirements.

Now, I don't know the
ramifications of if we don't
approve it.

I don't know what happens
there.

>> Martinez: One further
clarification, the issuer in
this case is a conduit

created by a different
minety.

>> So the on behalf
characteristic in this case
is not the city of austin.
It's the other
instrumentality.

>> Tovo: Could you move
closetory the microphone?
I'm having trouble hearing
you.

>> The issuer in this case
is a instrumentality of
another city.

So the on behalf of nature
of the transaction does not
relate to the city of
austin.

It's just by virtue of the
fact that the facility is

located in austin that the
tefra approval is required.

So the city of newark's
conduit issuer is the actual
issuer of the bonds in this
case.

>> Tovo: So you're saying
that in terms of the clause,
the legal clause I just
read, they are acting --
newark is -- they are
acting -- they are acting on
behalf of the city of
newark?

We're saying that this
school is acting on behalf
of the city of newark?

>> No, the corporation
that's issuing the bonds is
acting on behalf of the city

of newark.

>> Tovo: Okay.

So -- and I understand that we've done -- that the city has agreed to this in the past, but it is also discretionary, I assume.

And so what is -- since it was mentioned, it's my understanding that the school would still have a mechanism for obtaining financing.

They would just not be able to obtain tax exempt financing.

>> That's correct, yes.

>> Tovo: This is a question for the staff rather than the

representatives, but can you
give me some examples where
the city has done this in
the past?

>> Yes.

We've done san gabriel
school, we've done ymca
recently.

I can't recall the others.

I know we did a few in 2010
and we did a couple in 2011.
andrew's academy as
well.

>> Tovo: But it is always
discretionary.

>> Correct.

>> Tovo: Thank you.

>> Mayor Leffingwell:

Could I ask the applicant a question.

If you could explain a little bit to us about the status of the school and what they do and what they're planning to do with these bond monies?

>> Yes, mayor.

Michelle lynch with metcalf, wolf, stewart, williams.

We are representing regents.

We have worked with them in the last couple of years on obtaining additional permitting to expand their school.

Also we had to do some variances for some floodplain modifications due to the fema floodplain map

changes, so that was also
very extensive cost to the
school as well.

Majority of the bonds is to
fund that effort.

And as a natural course of
being a nonprofit they're
seeking the practical tax
exempt bond as have other
schools in the past.

And as the staff mentioned
that the city has approved
recently such as st.

Andrew's or america can.

Nothing out of order or
unusual of what's been
brought to you before, i
think it's just that
everyone is a little

confused about why those
federal tax act is making us
get this blessing if you
will, but there's nothing
unusual.

The school is just trying to
further their mission as
have other schools in the
past.

>> Mayor Leffingwell: It's
a nonprofit institutional
institution, fully certified
by whatever authorities need
to certify it as an
educational institution.

>> Correct.

>> Mayor Leffingwell:
Councilmember morrison.

>> Morrison: I want to be
real clear that this is not
a request from the federal

government.

So it's not about getting
cross wided with the federal
government.

It's a requirement of the
if the applicant
wants to do this that we
s off.

>> Correct.

It's a requirement of the
i.r.s.

>> Morrison: So I guess i
am still in my original
position because for me if
there's a penny on the table
and we're talking about that
penny, either going to
decrease the cost of a
private school education
versus a penny that can go
into the federal tax could

haver, I would rather that
it for go into the federal
tax coffer so that it could
eventually be supporting
public education.

>> Mayor Leffingwell:

Obviously I'm going to
support the substitute
motion.

I think it's an opportunity
to do good work, to get some
remedial work done for water
quality protection.

It's for a good cause,
albeit I'm as much a
supporter of the public
schools and anyone, but this
is an education institution
which will go do good work
and it's not costing us
anything.

All in favor of the
substitute motion which is to
approve, say aye.

Opposed say no.

It passes on a vote of
four-two with councilmember
tovo and morrison voting no.

Councilmember spelman off
indict as.

As -- councilmember
spelman off the dias.

Item number 56, we do have
one speaker.

It was pulled by
councilmember tovo.

And do you want to hear the
speaker first?

Mike conwell.

>> Good morning, mayor,
council.

Thank you for letting me
speak.

My name is mike conwell.

I've been an election judge
to city and county elections
for 14 years now.

As such I've dealt with
maybe one out of four voters
that comes to my polling
places has issues with
they're at the wrong
location, thought they had
updated their address,
they're in the wrong county,
thought they had updated
their address.

So after observing this for
awhile I started getting
involved in voter

registration as well about
six years ago.

In 2008 I registered 653
voters in the space of about
three months.

And did that a couple of
locations in front of
businesses, but also at
zilker park during public
events.

In doing those appearances,
I would usually touch base
with the event organizer and
would get a shrugging
approval to do the
registration.

To my knowledge nobody has
ever complained about my
presence there, but after an
incident with another voter

registrar, I worked with the
event organizer to get all
the way up to the top to
find out the approval.

If you could do the next
slide.

This is typically the crowd
that I would be registering
voters at.

And I don't interfere with
people.

I walk around with a sign
that says voter tuneup.

And allow people to stop me.

One out of three they
actually chase me down and
bring me back to their
blanket.

And I register about 12
voters an hour.

After speaking with one
event organizer and waiting
for two or three months --
or two or three weeks, I'm
sorry, for a formal way for
them to allow me to register
voters, I was placed in a
free speech zone.

[Laughter].

This is new to me.

I think this started in
2000.

And a couple of down sides
to it.

One is I'm on the way to the
event and everybody is
carrying lawn chairs, beer
coolers.

And so they're really not in

a mood to stop.

But here I would get more on
the average of one voter per
hour registered to vote.

So as an efficiency guy, I'm
definitely impacted by that.

The next slide and I'll
close.

So these are public spaces.

To my knowledge nobody has
ever complained about my
presence there.

In contrast they chase me
down, give me food, water.

They've offered beer and
even pot.

I have taken one beer at

night.

[Laughter].

[Buzzer sounds]

and I would like your
support in this measure.

Thank you.

>> Is only a result of me
wanting clarification after
an incident with a retired
couple forcibly rejected by
security.

It was after that event that
was not related to me that i
went to find who exactly was
in charge.

That's what they came up
with that method.

>> The incident that you
mentioned, was that a paid
or free event.

>> Public event.

>> When you say public

event.

>> Well, they likely paid
y'all for the use of the
facility.

>> Tovo: But there was not
an admission charge.

>> Correct.

>> Tovo: Okay.

1.

>> Thanks, that's very
helpful.

I wonder if we could get
staff to answer some
questions.

I did submit some questions
through the q and a process
about this item.

We did -- because it was an

item from council, we got in
response to that.

What I'm trying to get a
sense of is what the state
of the law is in terms of
redge centering -- voters on
parkland and maybe some of
the sponsors --

>> I think we have some help
coming from you.

>> All right.

Thanks.

1 I appreciate very much the
resolution, whether this
resolution will indeed
address the issues that
those out in the field have
noticed, literally in the
field.

>> Don steinner.

>> If you are a deputy registrar, out at a public events, what are your rights?

Do you need to secure permission if you're on parkland, do you have free rein of walking around?

>> Traditionally, thoroughfares and common areas are full purpose -- full purpose forums for speech.

So that means sidewalks, byways, open parkland, free for people to engage in speak.

They can say what they want.

Carry a sign that says what
they believe and -- and
register voters.

Subject to reasonable time
place and manner
restrictions that the city
may have, such as not
blocking a thoroughfare
or -- or causing erosion or
keeping the grass from
growing, things of that
nature.

If -- if a public space is
rented, by a private party,
then -- then for the
purposes of the rental, that
becomes sort of the -- of
the private party's
controlled space.

And if it's a ticketed
event, which someone has to
pay admission to get in,
then they can certainly

restrict admission to people
who have bought a ticket and
they could -- they could
within reason control what
activities go on in the
event that -- so the event
would be consistent with
their -- so that what -- so
the event would be -- for
example, if you rented a
park space for a wedding,
you certainly wouldn't have
to let volunteer registrars
register people at your
wedding.

So within the -- within the
controlled area that someone
has paid rental for, they
can control ingress and they
can to some extent control
what goes on it.

With respect to an open

public space that's not
restricted, even if there's
an event going on, people
will subject to -- fully
engage in first amendment
protected activities,
including voter
registration.

One caveat is that the city
can't or no government can
prefer one kind of speech
over another.

So -- so the city can't, for
example, prefer
non-partisan speech over
partisan speech.

So if people are allowed to
engage in non-partisan
speech, they are also
allowed to engage in par
zahn speech.

>> Right.

So if I understand it then,
if it's a saturday down at
zilker park, there's no
restrictions.

>> No.

>> Somebody can walk around
register voters.

>> Absolutely.

>> If there's a festival
going on and that festival
promoter has rented the
space, then there is an
issue because that space and
I say director hensley -- i
see director hensley here,
maybe she can shed light on
that.

The person who has rented
that space for a public
festival, has the right to
say certain people can't be
through including deputy
registrars?

Director Hensley, if I rent
the Zilker Park and have a
public festival, open to
anybody not a ticketed
event, can I -- can I -- do
I have the ability to -- to
eject somebody for freedom
of speech issue?

>> No.

If it's not a ticketed
event, if it's open to the
public, then any member of
the public can be there and
do anything they could
normally do, again, subject

to reasonable time, place
and manner restrictions so
that couldn't block people's
way and engage in other
unlawful activity, even if
they were doing that in the
course of also engaging in
some first amendment
activity.

But -- but open park space
is a traditional, full
purpose public forum, for
both partisan and
non-partisan speech.

>> It sounds like it was not
a ticketed event where the
registrars were forcibly
ejected, right?

>> Right.

>> Tovo: So it sounds like
that event promoter was not

ace r aware of the law and
the person's right to be
there.

>> It appears to be a
training issue.

>> Did you have another
comment?

>> The only comment is
that -- that ejection seemed
to be started from the
security, not the event
organizers.

>> Tovo: Thanks for that
clarification.

>> Then the event organizer
got involved afterwards.

>> Tovo: So it was the
security in that case who
was maybe not aware as they
should have been that
allowed that person to be

there performing that
activity.

>> Sarah Hensley, director
of parks and recreation.

That's why this will be
helpful to us.

We will take this and make
sure we do through our event
rentals with the city team,
primarily of course in
parks, is to make sure that
we let these groups know
that there is a
responsibility when it's a
public event and open to the
public, that these
opportunities will remain
open for them to be able to
do this.

This won't happen again.

>> Tovo: Great.

I assume that's part of the

group that is referenced
here with the term
stakeholders.

Okay.

Thanks very much, i
appreciate all of the
information.

Mayor, I move approval of
this item.

>> Mayor Leffingwell:

Councilmember tovo moves
approval.

Seconded by councilmember
martinez.

>> Tovo: I'm going to
second his motion.

>> Mayor Leffingwell:

Okay.

Councilmember martinez moves
approval, seconded by
councilmember tovo.

I was the co-sponsor, but
you can go ahead and --
[laughter]

>> I was also.

>> Tovo: I withdraw my
second.

>> Mayor Leffingwell: No,
no, councilmember tovo is
the second.

All in favor say aye.

>> Aye.

>> Cole: I was a
co-sponsor, too.

>> Mayor Leffingwell:
Opposed say no, passes on a
vote of 6-0 with

councilmember spelman off
the dais.

4

and 5 together.

We'll consider them
separately but we're going
to hear questions and
answers that are related and
hear speakers on both items
at the same time.

So this is pulled for
speakers only.

So we will go to the
speaker, jennifer walker.

Welcome, you have three
minutes.

>> Good morning, council.

My name is jennifer walker,

I'm with the lone star

chapter of the sierra club.

I just want to follow-up on
our comments from the
meeting a couple of weeks
ago.

We met with conservation
staff and discussed our
comments this past monday
and we appreciate the staff
making time for the meeting
and we are really glad leo
dealman from the rmc was
there as well.

I want to specifically
comment on two of the issues
that we brought up.

On the 140 gpcd issue, after
discussion with conservation
staff, it was lee -- with
leo from rmc, we feel that
confident that austin water
and rmc are looking for
strategies to meet the 140

gpcd goal.

We will hopefully see that reflected in the update of the conservation plan and in other plans from the staff, but the conservation plan is due in 2014.

One of the other requests that we had was that the utility consider meteorological conditions.

And in addition to the standard triggers of total water supply and treatment capacity.

We believe that there exists considerable potential for confusion among the public and additional risks to our water supply when we are in a meteorological drought and

no additional measures to
reduce water use are put in
place.

I understand that this
concept is complex and
likely needs further study
and development prior to
inclusion in the city code.

And the drought contingency
plan.

I have asked that this item
be given strong
consideration in the next
update of the city's drought
contingency plan which is
due in 2014.

I would like to see the
utility study this concept
and work with stakeholders
to develop a methodology
that incorporates
meterological conditions in

the trigger mechanisms for
different drought stages in
the next drought contingency
plan.

Just makes sense to consider
actual and possible
predicted meteorological
conditions when evaluating
the need for action on
drought stages.

That's my comments.

Thank you.

>> Mayor pro tem?

>> Councilmember morrison.

>> Morrison: Thank, we're
so well trained.

Thank you, jennifer, can you
give me a real simple
example of the difference
between a meteorological
drought and another kind of

drought?

>> Well, generally what --
what cities look at is their
water supply or their
treatment capacity to -- to
go into drought -- to
consider whether they are
going to go to different
drought stage triggers.

What we are asking is that
they also look at
meteorological conditions
which that needs to be
settled on what that is
exactly.

We suggested to look at the
drought monitor, even
the maps that we keep seeing
last year that kept going
redder, redder, redder,
drought
monitor map, done by an as

county basis, you can look
and see what drought stages
we are in.

There's five drought stages.

If travis county or austin
was in extreme drought but
we had not yet reached a
trigger to -- to go to the
next drought stage, that's
an incident where we might
consider that.

For example, last summer
that happened.

We didn't go into drought
stage 2 under the end of the
summer, but all summer long
we were in a meteorological
drought that was on the
front page of the paper and
stuff, but we weren't taking

additional action to reflect
that.

>> Morrison: Does that
sort of also look at -- at
variables like what the
projection for main is for
the next two months or the
long term?

Because I would think that
if we have enough water, in
reserve right now, but we
think that it's not going to
rain for the next three
months, that might also
impact when we go into
stricter restrictions.

>> Yes.

There -- there are -- it
depends on how -- how you
format a program to look at
this.

That's why I've -- you know,
I've requested that we look
at this closer and develop
some methodology.

What we had suggested, there
is a -- noaa, the national
oceanic atmospheric --
>> administration or
something.

>> Noaa, thank you.

They do three month and six
month outlooks for, you
know, above chance, above
normal, below normal
rainfall, there's a bunch of
forecasts like standard
forecasts done by our
weather organizations in the
country.

>> And the -- your point is

that you've asked that we
entertain these kind of
discussions for our updates
two years from now; is that
correct?

>> Yeah, I think, you know,
we need to start the
discussion sooner,
obviously.

And, you know, I hate to say
like a stakeholder process.
I think that that's, you
know, we have enough of
those going on.

>> Morrison: Right.

>> But to seriously consider
that and to develop some
methodology and maybe, you
know, share with some people
that are thinking about
these kinds of -- because i
think different cities are

starting to look at this.

The lcra water management
plan, proposed management
plan, actually incorporates
some of these kinds of
strategies in the plan.

It's a very complicated
plan.

I'll give you that.

But our water supply
situation is getting more
and more complicated all of
the time.

I think it merits that kind
of thought going into
triggers.

>> That's interesting.

It also, I think, some

consistency in a protest
between the lcra and the
city, it would pay to
actually look at that.

Could I ask staff if there's
someone that we could --
hello, mr. lazaro.

I imagine that you have
engaged in these
conversations with in
walker, is this
something that you are
thinking would be part of
your work in the next couple
of years to actually look at
these possibilities?

>> Yes.

We're always examining the
appropriate amount of risk

and adaptation for managing
drought.

Not sure what jennifer was
referring to when she says
it's in the current water
management plan.

I participated in that
process and although it was
discussed, we did not at
that time add it to the
water management plan.

Meteorological data,
although it was discussed as
a possible forefront issue
that we would examine when
we do the next water
management plan.

So maybe I have to compare
notes with her a little bit
on that.

But yes, I think there is

some emerging interest here.

But as jennifer indicated,
it's complex, it needs some
additional thought to -- to
kind of puzzle out.

But certainly we are open to
those kind of discussions as
we update not only future
water management plans to
lcra, but our own drought
contingency plans.

>> Great, I appreciate you
working on that because it
sounds like just globally,
probably, this whole arena
is evolving and getting more
sophisticated, so we
certainly want to be able to
keep up with -- with what
there is to offer.

Thank you.

>> Mayor Leffingwell: And
I would just say yes, i
agree, we ought to continue
to have these discussions,
but I think we ought to
ensure, also, that they are
regional discussions.

That's a big part of what
you need to do.
If we're in one media area,
for example, here in austin,
it makes a lot of sense, to
be able to ed -- the
education process, you know,
what stage are you in,
what's the outlook, so
forth, everybody sort of
being on the same page.
And have sort of --
obviously there are going to

be isolated differences.

Like I noticed yesterday
that florence, texas, went
to stage 5 because their
water well motor went out.

That's a different kind of
thing.

That's a localized thing.

Generally just due to
drought and weather
conditions, I think that
ought to be coordinated
throughout the region.

>> I would certainly agree
with that.

You know, we have the
central texas water
efficiency network where a
lot of the water providers
in central texas are meeting
monthly and sharing concepts

and stuff, and this is something that we are definitely discussing in that venue and we -- we the sierra club will be bringing up not just with austin, but with -- with different communities as well that are considering their drought contingency plans.

>> Mayor Leffingwell:

Thank you, jennifer.

-- Roy whalely.

>> Howdy, y'all, my name is roy whalely, I'm the co-chair of the austin regional group of conservation committee.

And I want to echo what ms. walker just said.

We certainly agree with all
of that.

Also, I want to thank the
folks at austin water
utility, [indiscernible]
gross and her team, for the
good work that they did last
winter in leading an
outstanding open house,
series of open houses for a
lot of different people with
a lot of different
viewpoints came together,
had a discussion, found
common ground and found ways
to continue to disagree with
each other, also.

And we also have an
excellent meeting on monday
and came out of that with --
with -- with continued

disagreements.

And we -- we agree with
the -- with the idea of
everything that we put in
the sierra club letter and
then there was a coalition
group letter that was sent
to you recently, the only
change that we see in that
on the triggers, et cetera,
with the 10-acres instead of
having annual inspections,
came out of that meeting on
monday with the idea that it
should be every two years.

I do want to talk about the
concept of -- of leadership.

And -- and something that i
heard recently that -- that
if we set a very high goal,
then regionally, if people

can't keep up with us, then

they stop trying.

I disagree with that.

To paraphrase nelson mandela

in his acceptance speech:

Who are we to say that we

are not brilliant and

wonderful?

Who are we to say that and

then he said who are we not

to say that?

Do not hide your brilliance,

your light, under a basket.

Let it shine, let it be a

beacon and we have a lot of

political influence sitting

right on this dais and so

let's use that influence,

that leadership to set a

high bar.

Let's use that leadership on

a state level to make it,
not just a regional
discussion, but a state-wide
discussion and let it start
here in austin and let it
move forward.

Every -- every drop of water
is precious.

And the idea that if we
don't use, someone else
will, well, as we enter into
the budget season, I hope
y'all don't take that same
attitude towards city money
because we want to conserve
our money just as well as we
do our water.

We are -- we are animals.

We are higher primates, but
we are still animals, like
all animals, we are a
combination of instinct and

learning.

We learn our behaviors

[beeping] to wrap up very

succinctly, the concept of

negative reinforcement

intermittent negative

reinforcement as we move in

and out of the stages, we

screw up the learning of the

citizens of austin on when

to conserve.

Thank you for your time.

>> Mayor Leffingwell:

Thank you, very profound

today, mr. whalely.

Paul robbins?

>> Council, a group of

environmentalists sent a

letter to the water utility

with five -- to the council.

About -- we had five
comments that -- that
addressed the drought plan
and the conservation
programs.

I don't know that -- I don't
know that -- you can debate
some of these either way,
but not lowering the drought
trigger is something that --
that you can't really be
flexible with this.

You can't argue with the
drought.

Staff sent a response memo
to the meeting that roy
whalely and jennifer walker
attended.

Some of this is outrightly
especial shows.

They say it reinforces and triggers support of the code revision process, only 19% of attend yes at the january public meeting believed drought triggers should deviate from lera.

I was at the january meeting.

I was in the stakeholder's alleged stakeholder's process.

Many people didn't even have time to evaluate what they were being told to rate and comment on.

Know.

I was there.

They say that, well, 48% of

the water relief is for
agricultural use and this is
a justification not to lower
drought triggers.

Well, we're in a new phase
right now.

And as you know,
agricultural use was
outrightly banned this year.

I simply do not know how you
can justify having a stage 3
trigger of 600,000-acre feet
that was established based
on the 1950s when we had
four times the population in
austin that we had in the
1950s.

I realize that a stage 3
event is not going to happen
very often.

But this is a matter of
public safety.

It is not something that you
can argue with.

It is not something that you
can be flexible with.

I urge council to set a
stage 3 cap at 700,000-acre
feet and that it not be
lifted until we obtain at
least 800,000-acre feet.

Thank you.

>> Mayor Leffingwell:

Those are all of the
speakers that we have signed
up to speak.

So we will -- again, we will
consider items 4 and 5
separately.

Any questions?

Councilmember martinez?

Okay.

You move approval of item

no. 4?

>> [Indiscernible]

>> Mayor Leffingwell:

Seconded by the mayor pro

tem.

All in favor say aye.

>> Aye.

>> Mayor Leffingwell:

Opposed say no, passes on a

vote of 6-0 on all three

readings with councilmember

spelman off the dais.

5 is the

accompanying resolution to

adopt the new drought

contingency plan.

Councilmember martinez moves
approval.

Mayor pro tem cole seconds.

All in favor say aye?

>> Aye.

Opposed say no.

Passes 6-0 with
councilmember spelman off
the dais.

Thank you.

The only item that we have
remaining on the morning
agenda is item no. 20.

We're not going to be able
to finish it, but we can go
ahead and start taking
speakers now and at 12 noon
we will go to our citizens
communication and we'll lay
20 on the table and
finish it after -- after --
after citizen communications
and executive session.

First speaker signed up is

past smith.

Pat smith is not here.

Janet buer.

Janet buer?

Okay.

You have three minutes.

>> Hello, I'm janet barkley

buer, a member of the

southeast combined

neighborhood plan contact

team, that's what I'm here

to speak on behalf of.

And I did speak to the

council some time ago, but

because of the newspaper

article yesterday we thought

it best to appear again.

.. we're here to ask

that the city provide

proactive support to the rapidly expanding community of 78744, which is also known as dove springs, which lies -- which is an area of almost 50,000 residents that live along one of the major pathways to the austin airport.

Since 2000, local government support has been somewhat wanting to that area.

And in that time, since 2000, the population has increased 38%, that's almost 4 people for what was there -- one person that was there in 2000.

We have over 800 lower income moderate income multi-family unit apartments

that have been built.

, austin police

department department,

pulled out its store front

around 2000 and of course

during that time with all of

those changes, crime

increased 61%.

People are afraid to go out.

The neighborhood

comprehensive plan that was

built in 2002 recommended a

5 million expansion of

the dove springs recreation

center that has never been

funded to make it a

comprehensive center.

78744 Also has the highest

juvenile obesity rate in the

city of austin.

And in the meantime, the
clinic and the
community health clinics
were moved out of the heart
of the area.

Further away from those low
income housing units.

So what we're asking is the
city and -- and the city
council help us improve
78744 by adequately funding
the expansion of the dove
springs recreation center,
as I understand it today, it
currently is in the bond
75 million and
we thank you for that.

But we also ask that you
consider in all -- if at all
possible by raising by
5 million in
to make it a more

comprehensive center to put
the services next to the
people who need it.

We also ask that the store
front of the police station
or embedded police be put
back in the existing dove
springs recreation center so
that we can get a handle,
along with the community, on
reducing crime, that 61%
increase in crime is awful.

And we ask for the city's
help in helping the
community to work with other
governmental entities to
appropriately place services
so it meets the needs of the
community and the area.

We know you've got many

tough choices.

And what to include in this
bond issue, but this is a
very needed [beeping] needy
area.

And this decade, given what
has happened in the last
decade, this community
cannot afford to wait
another five to seven years
for another opportunity to
expand the services.

>> Thank you.

>> Thank you all very much.

>> Mayor Leffingwell:

Question for you.

A.

>> Actually not a question.

Just a request of our city

manager that he report back
on the item that you
mentioned about the
substation, at the police
department, what kind of
focus our police -- have in
this area and whether there
are any plans to bring that
substation back.

>> Thank you, we really
appreciate the help, we
really do.

And thank you all for your
service.

>> Mayor Leffingwell:
Another question, janet.

Councilmember morrison.

>> Morrison: Thank you.

I want to ask staff if they
can point for me, another
item in the bond package, i
know that you mentioned it
was in there, I couldn't
find it.

I am wondering if staff can
let me know where it is, if
it's there, if it did not
make it through to the final
package.

trimble is in
the audience, I don't think
that it's in there.

I think this is in reference
to the police a.p.d.

Substation, I think part of
that conversation included
councilmember expressing an
interest in the possibility
of a substation being in
dove springs, is that

correct, mike?

>> That's correct.

What -- what's in the package, we were talking about dove springs for the recreational -- recreation center improvements is in district parks, ongoing program improvements, it's in that district parks, I'm sorry, neighborhood plan parks, I take that back.

>> Okay.

Great.

So it's -- it's specifically sort of contemplated as part of that, so the money is there?

>> It's part of the money there for the improvements.

>> Top level of our chart?

Okay.

Great.

And I wanted to mention that

we had a great conversation

the other day with you and

some of your neighbors and

one of the exciting things

that's going on in dove

springs is the coalition

that's formed and it's

funded by a delavan grant

and it's for example -- dell

grant focusing on physical

activity and nutrition, one

of the things that I've

talked to the city manager

about is the idea of

bringing city resources to

the table in terms of, you

know, bigger picture issues

that will align with that,

like the built environment

and doing that through the
concept of a -- of an update
to the neighborhood plan.

So I think we're going to be
able to -- the city manager
thought we would be able to
do that.

But I also wanted to mention
after the discussion I got a
conversation going with --
with the police chief and
some of the folks that are
over that area and we are
planning, because I wanted
to come up to date
specifically with -- with
the -- with what does the
police department think they
are doing and what's their
perspective on the situation
and I think that -- if we
can have this comprehensive

conversation that's going on
already, and really
understand that public
safety underlies and is a
foundation of any kind of
evolution and improvement in
that community, that I think
that -- that we really have
an opportunity to bring
everybody to the table and
I'm very hopeful and excited
about all of the energy
that's going on down there.
Of so thank you for your
work.

>> Thank you.

>> Mayor.

>> Thank you all.

>> Tovo: Sorry, I have a

follow-up question now after
councilmember morrison's
question.

I have a follow-up question
for mr. trimble.

In the neighborhood plan
parks, so the budget and the
task force recommendation is
I believe about a million
dollars different from the
city manager's
recommendation for that line
item.

I think that's correct.

I need to bring up those
numbers.

When you say that there's
money contemplated for the
dove springs, will it -- how
does the difference between
the task force

recommendation for the
higher amount potentially
impact that project?

If we're -- if our starting
place is the city manager's
bond proposal, we have less
money in that category for
neighborhood parks,
acquisition and improvement.

So how will that impact this
project?

>> My understanding is that
based on, there would have
to be reprioritization
obviously with more limited
dollars.

But my understanding is that
even in the city manager's
\$385 million recommendation,
there is money in there for
those improvements.

>> It is a million dollar

difference, but that should
not -- there's a million
dollar -- a million dollars
more in the task force
recommendation for
neighborhood plan park
improvements?

>> Actually, it's the same
amount contemplated in both
amounts.

For the -- yeah, for dove
springs.

>> For dove springs there
is, but there is a million
dollar differential between
those two budgets.

But it should not impact
dove springs project will
not be exacted.

>> No.

The same amount is
contemplate understand that
reduced amount?

>> What projects will be
impacted by that million
dollar differential?

If you want to get back to
you later in our
discussion --

>> I might have to get back
to you on that one.

There was reprioritization
but I'm not sure exactly
which ones.

>> Okay.

Thanks.

>> Councilmember martinez?

>> Yep.

Just for the record, I was
the councilmember that was
interested in getting a
police substation in dove
springs and unfortunately it
did not make it into -- into
the proposals.

But it's -- it's certainly
an area that I'm still
interested in, I will still
look towards our budget
deliberations, I believe
it's something that could --
could drastically improve
response and safety in that
community.

>> Thank you.

>> Thank you all.

>> [Indiscernible], welcome,
you have three minutes.

I understand -- excuse me, i
understand pat smith is

here?

Pat smith came back?

No, you will be next after
this.

Go ahead, sorry.

>> We came to you late in
the process with a cry out
to address the emergency
situation of homeless women
in austin and you heard our
cry.

I'm here for -- first of all
to thank you and to support
you very strongly in
remaining vigilant and --
and committed.

Early -- early last week, a
young woman with five week
old baby showed up at

trinity center at 3:00 p.m.

Fleeing domestic violence:

Safe place was full.

It was over 100-degrees
outside.

I stopped everything that i
was doing to advocate on
that baby with foundation
for the homeless and the
salvation army.

They were both at capacity,
yet the salvation army took
her in on a sofa and son we
crossed the street, i
watched mom and babe come
in.

I knew that I could sleep
that night.

For short-term solutions to
the nameness homeless women
in austin, we are

approaching churches to use
their facilities for women
after the model of the cold
weather shelter and the
model of the interfaith
hospitality network.

David's
church successfully
recruiting volunteers for
the first two weeks, the
first week of September and
the first week of October in
Trinity Center and St.
David's being that emergency
safe place for women.

They -- they agreed to -- to
come on board.

Approaching either churches
that are considering this.

I believe that you are
entertaining possibly

helping us with the cost of
security for this.

We thank you for that.

The short term solution will
not be sustainable in the
long term, I'm here today to
ask you to please keep your
commitment to including this
very important issue as part
of the bond as you have done
as late as we can, you
really did pay attention
to -- to -- to the need that
we need to address.

Because it is a life -- it
is a life -- life
threatening situation for
those women.

Please remain our partner in
this effort and thank you so
much for doing so thus far.

>> Thank you, I want you to know that -- that I have requested a -- city management to work with you on the security issue.

And the assistant city managers are doing that and I know that you have seen the resolution today sponsored jointly with councilmember morrison and chris --

>> I sponsored that mayor pro tem cole and you were a co-sponsor.

>> Right i, along with councilmember martinez.

>> A lot of people are trying to help you out on up here.

>> You know, we usually come
here to -- to ask and demand
and request and once in a
while one has an opportunity
to come and say thank you.

Just keep with us.

We are finding the
solutions.

There's no solution that
doesn't have budget attached
to it.

And I don't know how many
will take the time.

I happen to be the last to
speak usually.

last
time.

Now it's -- now it's --
there goes the morning.

We are working our hearts
off on this.

We find partners in you.

I have done political work
for a million years as you
can tell and it's rare that
we find that kind of -- kind
of working on it together
thank you very much.

>> Thank you, we are.

>> Councilmember tovo.

>> Tovo: I want to thank
you not just for the
tremendous work that you do
every day but also for
raising this issue to me and
also to my colleagues
because -- because, you
know, really very glad that
we were able to get a

resolution.

Passed this morning.

That will begin those
dialogues with travis county
about -- about whether
there's a feasibility for
expanding that shelter and
that's an idea that came
directly from you and the
other service providers who
work on this critical issue
every day.

I'm very hopeful that we
will continue to be
supportive of the two
million.

I certainly will be.

I think it's -- I think it's
a very, very critical need
for our communities.

Thank you very much.

>> We are changing the city,

we are changing the -- we
are changing the -- really
difficult plight of the
poorest of the poor of the
women in the city.

>> Thank you.

>> Pat smith.

>> Very necessary, tha
you.

Sometime the president of
the southwest contact
planning team, I'm very
proud of the community in
southeast austin and their
engagement and the process
with the bond issue.

And -- I am here to speak --
I am here to speak on behalf
community, the contact team,
what has compelled in he to

action is the high
population of young children
in dove springs and my deep
and sincere concern for
their future if -- if the
safety of the community is
not addressed and of course
the -- the educational
success of those young
children.

We do have several --
several different schools
that have opened up recently
that offer broader
opportunities for -- for
education.

But the -- but the safety
continues to be a grave
concern.

The community did have
what's called a police store
front which is a very small

sort of office in the
community, that model was

10

years ago.

We understand that a
substation is a massive
facility.

That the budget would not
allow.

We definitely need a store
front and we also very much
would like to be awarded the
5 million in our 2002
neighborhood plan to expand
the recreation center and
our ultimate goal is to --
for the recreation center to
evolve into a multi-purpose
center.

So we could house the health
office,
offer health and recreation

and also a police store
front.

So I won't take up any more
of your time, but I -- i
would appreciate very much
your attention to our
community.

Thank you.

>> Thank you.

Stewart hersch?

>> Thank you, mayor, members
of the council, like most in
austin, I am solely
responsible for the content
of this message.

I support affordable housing
funding so that my brothers
and sisters who cannot
afford housing in the
marketplace have greater
access to housing that is
safe, located in mixed
income neighborhoods,

accessible to people with
disabilities, reasonably
priced and transit oriented.

Safe mixed income,
accessible, reasonably
priced and transit oriented,
what we call smart housing,
not just the opposite of
dumb housing.

I support mexic-arte
museum's request for \$5
million so that my sisters
and brothers, young and old
who have been served and
will be served by the museum
can enjoy this experience in in
a new icon nick museum in
the fewer.

Today you couldn't find
funding for mexic-arte,
today I suggest that you

reduce the affordable
housing amount that you
approved yesterday by \$5
million to fund mexic-arte
while actually increasing
your proposed investment in
affordable housing over the
next six years.

In 2000, the council created
the housing trust fund with
a million dollars funding
approved a 40% set aside of
certain property tax revenue
and the urban core from
sites that weren't on the
tax rolls in '97.

This funding was supposed to
.. your
investment in general
obligations with voter
approval and the housing
trust funds would be at

least one million dollars
greater than what was
adopted yesterday and what
is currently proposed in the
city manager's budget.

This is only true if you
require housing trust fund
dollars for affordable
housing not for \$557,000 in
staffing costs that are
currently proposed.

Next year's million dollars
could go for home repair,
which could free up \$400,000
in community block grant
funds for permanent
supportive housing in very
high and high opportunity
neighborhoods, thus
promoting the geographic
dispersion and housing
preservation we are all

seeking.

This is a win for affordable housing, a win for mexic-arte museum, a \$557,000 staff funding challenge, 600,000 for housing planning and initiatives and other housing needs identified but not proposed for funding currently can also be addressed if there are answers to the open records request that I filed on march the 2nd this year, of potential budget windfalls, I have attached a copy for your review.

I received zero response to date and your first public hearing on that is next week.

So I ask you to get us the
information we need to help
build a win for the museum.

A win for affordable housing
and do well for these two
public benefits.

Thank you so much for your
consideration.

>> Mayor Leffingwell:

Thank you, Stewart.

[Applause] I want to
compliment you on your
community spirit and
willingness to work toward
solving problems, not just
for yourself but for others,
thank you very much.

With that, Council, I would
like to lay this item on the

table.

It's time for citizens
communication, we are not
finished, we have a lot of
spares to go.

A lot of speakers to go.

We will go to our citizens
communications.

First speaker is pat
valls-trelles.

Topic is animal issues.

>> Mayor, mayor pro tem and
councilmembers.

My name is pat
valls-trelles.

And I am a former member of
the austin animal advisory
commission.

I'm a current member and
co-founder of travis county

animal advocates.

I fully support the city's
no-kill goal and thank you
for passing that.

Our group, travis county
animal advocates came to you
on may 24th with issues
regarding the city contract
with austin pets alive for
the town lake animal center
facility.

You heard our concern,
concerns, you incorporated
those issues into -- in
creating that contract.

Thank you.

Today, we bring your request
that's related to the
ongoing concerns we raised
ON MAY 24th.

We have a request to city

council to strengthen the
monitoring enforcement of
the city contract with
austin pets alive for the
operation of the town lake
animal center facility.

We believe that there are a
few issues that you should
address.

One, are some public safety
issues have come up.

And we have another member
of travis county animal
advocates, tara stermer who
will be speaking to these
momentarily.

We have a concern about
compliance with spay-neuter
requirements in state law
and the health and safety of
the sheltered pets.

For this we ask you to
consider adding three
positions to the austin
animal center budget to
address these.

On public safety, as i
mentioned, tara stermer will
be addressing the fact that
we have seep some aggressive
dogs being adopted out and
we would like you to
strengthen the screening
processes for potential
adopters and for the dogs
that rescue partners are
adopting out.

We believe that is a very
important thing that needs
to be addressed immediately.

Secondly, spay-neuter
compliance, we would like
the is it he to assure that
all pets adopted or
transferred to rescue
partners are spayed or
neutered in a timely manner.

We completely concur with
the rush to save animals
lives and to move them out
of the shelter as quickly as
possible.

However, if we forego
spay-neuter, we will only be
pushing the problem down the
road and we will be having
to kill animals later if we
don't address the need to
spay and neuter them right
now.

We think that you need to

have someone who is
completely and fully in
support of spay neuter
monitoring that all rescue
partners are spaying and
neutering their animals
.. third, we have a
concern about the health and
safety of the sheltered
pets.

That facility in town lake i
understand currently houses
490 pets and we know that
that's not a safe number at
that facility?

We would like you to either
appoint a veterinarian to
the animal advisory
commission or contract with
an independent veterinarian
to do spot checks and walk
throughs and ensure that not
only spay-neuter compliance,

but also the health and
safety of the animals at
that facility as being
monitored.

>> Mayor Leffingwell:

Thank you.

>> May I pass this out.

>> Mayor Leffingwell: You

may, pass it to mayor pro
tem and she'll pass it down.

Next speaker is will mcLeod,
his topic is london calling.

>> Good aftererring noon,
mayor and, will mcLeod, i
have got a video today, i
think we should play the
video first and then let's
talk about london calling.

London has called.

They are asking you.

>> Somebody along the line.

You need some help.

>> Great teacher somewhere
in your life.

Somebody help to create this

>> what we have heard is
just alarming.

By the time my three kids
are my age, I'm 40, they are
five, six, eight years old,
they say that the path we
are on before passing this
bill, the tax rate on that
generation by the time they
are 40 years old will be the
10% bracket goes up to 25%,
middle income taxpayers pay
an income tax rate of 63%,
the top rate of the small
businesses pay will be 88%.
This is the legacy we're
leaving the next generation.

Mr. speaker?

>> We can do better.

It doesn't have to be this
way.

This is not democracy.

This is not -- this
not --

>> this is not good
government.

>> By the way, london
called, they want our tax
dollars back that we spent
on formula one.

It may not seem like a lot
of money, but \$6,000 can do
a whole lot of things in the
city of austin.

I don't think that the city

of austin should be spending
money anywhere else outside
of austin city limits.

Furthermore is residency
requirements should not be
waived.

That's why we have them.

I'm sick of hearing well
we're going to waive
residency requirements.

If we're going to waive
registry -- residency
requirements, we shouldn't
have them in the first
place.

Thank you.

>> Next speaker is tara

stermer.

Tara stermer's topic is

animal shelter.

>> Mayor, mayor pro tem,
councilmembers, my name is
tara stermer, I'm a day nine
aggression and behavior
specialist, member of travis
county animal advocates.

We are here today on behalf
of them.

We would like to recommend
that council direct the city
shelter director abigale
smith to strengthen the
oversight and enforcement of
the contract between apa and
the city in order to be
certain that the guidelines
are being followed.

One major concern we have is regarding the out of area pets being housed as the old facility.

A related concern is about the health and safety of the pets already in the facility.

We recommend that the city add three staff members to the budget to help with the monitoring.

And we also would like to see council through the animal advisory commission assign a work group of professionals to help with that monitoring of the contract to make sure that the guidelines are being followed.

According to June -- June's

report, apa took in over 700
pets, only adopted out 173.
This is directly from the
apa's reports.

With the amount of cases
being returned to apa, 93 in
june only, we would like to
avoid this circling back to
hurt the city's no kill
numbers, by filling up cage,
foster homes, adopters that
our city pets could have.

With over a thousand dogs in
their inventory, only 173
adoptions in june, we are
extremely concerned about
the months ahead.

According to their june
report, they are housing 490
pets in the old facility
deemed unsafe to house this
many.

It is imperative that we monitor the health and the conditions of the pets in that facility.

To avoid potential outbreaks of sickness in our population, and that the pets in that facility are safe.

In the last month in my own private business I have seen an increase of confident aggressive dogs being placed in unknowing households by apa with no guidance or warning about the aggression issues.

The public has a right to know if there's any past or potential aggression in a pet that they are

considering adopting.

Being an advocate for -- for
no kill and my behavior
challenged dogs, I do
believe that these dogs can
be helped and rehomed.
If -- if it's done in a
proper manner.

Full disclosure, proper
screening of a potential
adopter, guidance of a
behavior program they can
follow if a dog leaves any
rescue partners group.

We are required that ata is
required to take these
cases, if they do they have
the same outcome that they
would in the city facility
if they are dangerous they
should not be adopted out.

We feel they must give full

disclosure to the potential adopter regarding any past or potential aggression issues and follow state regulation if a bite occurs, a 10 day quarantine at the city shelter where a staff from the city shelter can monitor the dog's behavior.

72 Of the 93 pets returned were dogs.

We ask that the city recommend an explanation of why.

>> Thank you, ma'am.

Gavino fernandez, jr.

The topic is austin city council accelerates the genocide of mexican american african-american people from east austin through their increase of property taxes

and change in zoning land
use policy.

Don't mess with 10-1
district plan.

>> I'm speaking to you as
coordinator of el concilio,
the coalition of
mexican-american
associations.

I just want to educate you
and inform you that I have
began the process of writing
to the special -- let me get
his title.

Office of the special
advisor on the prevention of
again no sides with the u.n.

Because of the -- because of
the ongoing changes of
zoning, the ongoing
increases of taxes, what
this government has done,

unintentionally is you
people say that it's -- it's
gentrification.

It's not gentrification.

It's genocide.

I challenge your staff
members, if not you, to go
to the un website you will
see all of the ingredients
that equal genocide and
talks about displacement of
people through government
policies, increase in
zoning, no access, being
disenfranchised politically,
which we are currently
today.

I'm going to bring up a
prime example.

Rainy streets, neighborhood
plan business, all of this a
catalyst to our people.

More recently another
attack, 1111 montopolis,
dolores catholic church,
traditional holds a festival
for over 50 years on their
grounds.

Code enforcement based on
the complaint, went and
cited and informed the
catholic church they could
no longer hold festivals
because it's in a zone sf 3
and that if they continue to
do that, they will be cited.

So I called greg guernsey, i
tried to get ahold of karlst
smart because code
enforcement is the one that

did this.

I have not contacted carlos
rivera.

But I have contacted karl
smart and after two weeks,
not a return call nor email.

Not a return call.

I'm a taxpayer.

This issue is going to
affect all churches that are
zoned sf 3 throughout the
city, all schools that are
zoned sf 3 throughout the
city that holds their
festivals on their grounds,
so if anything, for any
reason, if you don't -- if
you don't care about our
protection, it's coming to
your neighborhoods.

It's coming to your folks.

Because from what i
understand, from what code
enforcement told me, is
that -- that the health
department has been --
health department has been
informed anyone who pulls a
food permit for any festival
zoned in sf 3, they will not
be issued a food permit.
So -- so we have plenty --
we have many festivals that
are coming just around the
corner.

And I would ask this
government to please meet
with us, discuss with us,
because it's -- it's going
to become an issue in the
future and then we need to
take care of it because

right now the right hand
within the city does not
know what the left hand is
doing.

I call to -- to do the
rezoning that greg suggested
when staff told me you don't
have to, gavino.

So there's a lot of
misunderstanding.

So I hope that you will
understands this issue
and -- that you will address
this issue and bring some
resolution to you.

>> Thank you, alan roddy.

Alan roddy's topic is the
deferred comp 457 plan.

>> Good afternoon, I'm here

to talk about ing's
management deferred comp
plan for deferred employees.

3 Minutes isn't enough time,
but in my opinion ing put
their own interests above
the interests of the planned
participants.

Since this problem solves
city employees I hope the
city council will look into
this issue.

The plan's board of
directors have been trying
to get ing to correct but
they refuse to do what's
right.

Normally I'm not in favor of
the city council sticking
its nose into other
independent board, but this

is one occasion that I think
city council members should
work with the 457 board.

Currently there are three
investment options in the
457 plan.

We invest in mutual funds,
austin fixed fund, the velo
city credit union.

For years one of the major
selling points of the 457
plan has been that members
can manage their own funds
and transfer our funds when
we want to.

Unfortunately this is not
true for people invest
understand the austin fix
fund.

Ing does not allow direct
transfers from the fixed
fund to the credit union

because they claim that the credit union competes with the fixed fund.

Ing requires a 90 day wash period that requires funds to be transferred to a mutual fund before they go into the credit union.

Ing says this is an industry standard to prevent participants from shopping around from higher interest rates.

Two problems with the reasonings.

First of all the credit union pays a lower credit rate, number two why don't they want us to have a higher rate of return on you

are on investments?

Isn't this where the free
enterprise system is all
about.

Will ing controls and makes
money from the fixed fund,
they would rather put pars
pants at a disadvantage than
allow us to control our own
funds.

Why is their standard more
important than doing right
by the investors?

I ng generates additional
fees by requiring us to buy
mutual funds for 90 days.

I have been playing the wall
street rollercoaster for the
past 35 years, I no longer
trust wall streets industry
standards.

Wall street industry
standards include ken lay,
enron, bernie maydoff, 36
people convicted of insider
trading is their standard
... is there standards
the -- the interest rate
fraud is their standards,
illegal trading with
terrorist nations like cuban
and iran.

Like most americans I have
lost faith in wall street
and the companies that put
their own interests above
the interests of their
clients and our country,
city employees work hard for
their money, ing is supposed
to work for us, we don't
work for ing.

I request that our city

council members take the
time to call the 457 board
president and get the
details of this issue, work
to protect our city's
employees, I suggest that
all plans participants
contract the board and ing
about this bogus 90 day wash
period.

In order to protect my money
from the unreasonable 90 day
wash period I have withdrawn
my funds from the 457 plan,
how is that good for the 457
plan.

>> Thank you.

>> Thank you.

>> John koohyum kim.

Your topic is austin

[indiscernible] homeland

security of protection

citizens.

>> Great day to all of you.

Do I look like an american?

Do I sound like america?

I'm here to appreciate and
praise american government,
texas state government,
travis county county and
austin city government.

Today the topic is american
citizens home and security
here in austin.

But my topic is austin as
the best city ever, thanks
to mayor lee leffingwell.

And the councilmembers.

Austin city [indiscernible]
america, texas, austin city,
are better than heaven,
greater than kingdom of god.

I was there, but there was
no ladies, only two boys,
god and the jesus christ.

It's boring to stay there,
so I came down to america to
teach american government,
american government is
better than heaven, greater
than kingdom of god.

[Indiscernible] officials of
your city remember me.

For today, austin city
council, create all of the
[indiscernible] resolution
or recommendation for austin
community college president,
telephone

512-223-7596 today to
protect the austin city
residents that the john
koohyum kim homeland
security to continue college
teaching of american
democracy and american
government at a.c.c.

Kim's student evaluated
their professor john kim as
a very good professor at
a.c.c.

president in 2006
violated democracy, a.c.c.

Undemocratically terminated
his college teaching
appointment there in 2006.

It was there, too,
[indiscernible] reason such
as classroom observations by

government department
[indiscernible] alone and
must not have used
the classroom of the --
classroom observations as a
termination reason of any
college and teaching
appointment there according
to a.c.c. board policy.
used four lawyers
from two law firms, they
lied to me, to the
government, until today.

>> Thank you, professor.

Next speaker is jose
quintero.

Topic is agenda 21,
gentrification and a.p.d.

Profiling minority groups.

>> Good afternoon, I'm jose
quintero with the greater
east austin neighborhood
association.

A long-time residents of
east austin, I've seen the
gentrification taking place.

It's official, but this has
been addressed since mayor
kirk watson came into office
and this was the plan of the
city government.

Mayor, I challenge you, it's
up to you.

To look up this -- this
gentrification agenda 21.

The united nations, that
it's though longer an
america, but a government
that -- that has become a
bunch of zombies to obey a
world system that is

affecting a bunch of our
residents, especially east
austin.

So I challenge you, mayor.

And I challenge the city
attorney, marc ott.

This is an issue regarding
that you set up these
comprehensive plans and i
ask you to address this
issue to the neighborhood
plans and ask them to study
agenda 21.

These people were willing to
give up their property
rights.

These people do for the
speak for me -- do not speak
for me or a lot that
residents that don't attend

the meetings.

Therefore you, you initially
funded these people.

So they can do your agenda.

So I am challenging you for
that reason and I challenge
all of the people from the
comprehensive plan contact
teams to look into this.

The other issue that we're
facing is gentrification and
police profiling in our
neighborhood.

I try to contact chief
acevedo twice, I met him
here one day, I said you are
profiling our neighborhood
and the minorities.

The minorities are not
supposed to be participant

in agenda 21.

I call sergeant carter,
assistant chief carter, he
did not respond to my call.

If you are moving into east
austin and you've never been
in east austin, you're going
to have a bypass by the
police department.

It is the approximate 'em
that are addressing it's us,
the code enforcement, it's
all based on what you cannot
do.

Because your tongues are
tied.

You are not leaders.

You're just users.

Of those that want to lead

you.

So this is an issue that

I'm -- we're facing.

Councilmember riley, in the

past two months, I almost

ran over two bicyclists.

Because why?

They're not going to get

tickets.

They're exempt.

We latinos, we have a bike.

We're going to get a ticket.

If we drink a beer out

there, people want to drink

a beer, they're going to get

a ticket.

If people that moved in,

drinking out in the public

park, they're not going to
get tickets.

This is where you got your
revenue, but you're not
going to do that.

That's why margaret frasier
studied this issue.

And you know about it.

And just puts pressure on
our people to pay fines,
because the rest of the
people that moved in there,
they're exempt.

Thank you.

>> Mayor Leffingwell:

Thank you.

>> Rae nadler-olenick.

Speaking on water
fluorideization.

>> Good afternoon, a year

AGO ON AUGUST 2nd, MAYOR

Leffingwell asked why i

stood at this body up, why

fluoride free austin doesn't

simply follow the formal

citizens referendum process

to bring our issue to the

ballot for a public vote.

My response at the time was

that any such attempt would

instantly unleash a torrent

of slick, expensive, pro

fluoride pr funded by the

powerful special interests

with deep pockets that keep

water fluoridation in place.

We would be grossly outspent

where money talks loudest.

But just last week, you the

council gave us still

another reason.

You took advantage of an
under the radar work session
to vote on to next
november's ballot an 8 to 1
redistricting plan which
directly competes with the
10-one plan austinites for
geographical representation
via petition drive had
successfully labored to
place on that same ballot.

You let agr invest end for
miscellaneous time, energy,
resources and then stepped
in to undermine it.

This hurtful action flies in
the face of your own charter
revision committee's
decision.

To change the subject,
fluoride free houston
founded in june have already

found an ally on the houston
city council.

Jack christie, a
chiropractic physician who
just might know something
about health.

A chiropractor's rigorous
educational program,
particularly emphasized the
musculoskeletal system,
including bone and bone as
we know is outstandingly
vulnerable to damage by
fluoride, which accumulates
over time causing
brittleness and
arthritis-like joint pain.

On august 7, six fluoride
free houston wyatts appeared
before council including one
a whole foods employee to

the effect that great
numbers of savvy houston
nights have already
abandoned tap water for
better options.

If people aren't drinking
the fluoride, anyway, why
continue to pay for it.

A refreshing approach that
would apply in houston.

Here it would seem you don't
care whether people drink or
dodge it, as long as the
city continues to implement
it.

The houston city council
listened with an
attentiveness and respect
rarely seen here and
fluoride free houston
members vowed to return and

Speak regularly for as long
as it takes.

I have posted a video on the
fluoride free houston
com website front
page.

Please take a few minutes to
see what a medically trained
member of the houston city
council has to say.

Thank you.

>> Mayor Leffingwell:

Thank you.

[Applause]

>> Joseph Iley?

Yellow cab permits and their
failure to comply with city
code after five months.

And you have three minutes.

>> I will make that part

brief.

First off, thank you for
finally taking action after
waiting five months.

Actually, I have something
more important that I would
prefer to take up a matter
on.

The purpose of this visit
now is for me is to request
that the city define what an
owner-operator is.

Twice in the ground
transportation city
ordinance, other than
operator is referred to, yet
if I go and look into the
definitions of ground
transportation there is no
beginnings for

owner-operator, so I don't know how you have owner-operator in the city ordinance.

Secondly as an independent contract driver, the city ordinance denies other cab drivers like me from being true owner-operators because it constantly leases all of the permits to companies rather than drivers.

The companies pay \$450 a year for those permits and a driver turns around and pays anywhere from \$12,220 to \$15,600 per year to use that permit just for his terminal fees.

If this city really is being fair to the drivers who wish

to be true owner-operators,
no I don't think so.

The driver who owns cabs
incur all of the costs, they
pay for the car, they pay
for the maintenance, they
pay for the gas, but at any
time a franchise can take
that permit away, in which
case in that driver went out
and spent anywhere from five
to \$30,000 on a car, that
car is useless as a cab
because without a permanent,
that cab is not a cab.

It just a car with -- full
of holes.

It has a hole in the roof, a
hole in the trunk maybe
because yellow cab puts a
sign back on it.

And it has holes in the

dash.

As -- if this business is
supposed to be competitive
in the market, then the
drivers should control the
permits and contract with
the cab companies,
dispatching service.

That's true competition.

And I sent you all an email,
I think that I addressed it
a little funny because i
addressed it to the mayor
and city council, about a
lawsuit taking place in the
city of kansas city,
missouri.

That lawsuit is the same
thing that's happening in
this city.

You guys have created a mop
monopoly within a monopoly
is what you have done.

You gave all of the permits
to the companies and we
incur the cost and we
shouldn't have to incur the
costs at the risk factors
that you are making.

riley makes
the thing about drivers
wanting to --

>> thank you, thank you,
thank you, mr. iley.

>> Do you think as a
driver -- [.

>> Cole: Thank you, your
time is up, your time is up,
thank you.

>> Tovo: Mayor pro tem

cole?

I do have a question mr. mr.

Iley's topic as it was

written on our agenda, [one
moment please for change in
captioners]

>> I got a complaint from an

ex-cab driver who told me

during south by southwest

when he went down to the

market on guadalupe drag

that he had rode in three

yellow cabs.

He didn't tell me which cab

numbers.

I didn't think that was

necessarily important,

because the fact of the

matter is the company by not

setting the meter properly

they allowed that to happen.

no e

and I both with the tdia

filed a complaint not once,

but twice, and then a third

time and then I finally

filed it on the fourth time

with the city transportation

office to find out if they

were actually going to take

action.

Now, my problem is that

you've honored yellow cab by

giving them six wheelchair

permits.

Before they even complied.

And I find that to be kind

of fishy.

>> Tovo: I agree and i

didn't support that.

And I am concerned about their noncompliance with this issue.

Thanks for raising it.

>> Because they are finally, my understanding, is they're being fined now and they are getting their act in gear.

>> Tovo: Well, we have transportation staff here spillar, if you might come up and address this issue.

I know my office has reached out to your staff and you provided us with information in the past, but can you tell us where yellow cab is in terms of their compliance on this issue?

And it's my understanding
based on the information
that we gathered this week
that there have been about
64 citations issued since
AUGUST 2nd?

>> Yes, ma'am.

Councilmember tovo, robert
spillar with the
transportation department.

If you will remember, we
sent a memo back in may to
you all indicating that we
had been informed by yellow
cab that there was a holdup
in terms of converting their
meters because apparently
several other cities were
also looking for the same
kind of equipment.

So they were having trouble
getting the equipment.

At that time we had agreed
to go ahead and allow them
to start charging the
surcharge between nine and
in the morning,
at night and four
a.m. in the morning.

I think that's the times.

With the understanding that
by august that they would be
compliant.

On august 1st we met with
them and reminded them of
this commitment, and on
august 2nd we began with
our normal routine
evaluations of cabs, spot

checks of cabs and began
ticketing for these owe
vents.

As of yesterday we have
issued 66 tickets to yellow
cab.

We're issuing those to the
company, not to the driver,
since the company is
responsible for the
machines.

I will also say we've also
found that austin cab has a
problem with at least
several of their cabs.

We've issued three tickets
to them.

And lone star cab has
received two tickets since

we started enforcing it.

Again, our intent in providing that lean gent si at the beginning is because -- lenient si at the beginning is because we understand that there was a problem getting the actual machines available to do that.

So as of today we are fully ticketing.

>> Tovo: And just to emphasize something that you said, you are ticketing the cab companies, not the drivers.

>> That's what we are doing is providing the tickets to the cab companies.

Those tickets are exactly

\$168 per violation.

>> Tovo: It seems like --

>> sorry, excuse me.

133.

There was one other issue
about the additional
handicapped taxi permits
that was asked.

We do not intend to issue
those until we have
compliance.

So yes, council has
authorized those.

Of course the department
typically takes the route
that when a change occurs
once the cab company is
fully ready to go, then

we'll issue those permits.

Again, with the surcharges

we tried to be a little bit

lenient to benefit the

drivers, but that period of

leniency I think has passed

and we're now enforcing

that, but we will hold the

six permits until they're

compliant.

>> Tovo: Thank you for

clarifying on the additional

permits that those won't be

released.

That is an important

clarification.

Just to get back -- I don't

want to belabor this because

I know we need to move on.

What will happen in the

interim?

Are the drivers -- as you know, we received concerns and complaints from drivers about this.

Are the drivers -- are they still able to collect that surcharge?

>> If their meters have the appropriate converted button, the extra button, if you will, it's a mechanical piece, they are able to charge those.

The way the current ordinance is is that they're not allowed to charge it if the meter is not able to lock out that surcharge during the off times.

And again, if a vehicle charges, we have no other option but to issue a

ticket.

And as I said, it's to the
company.

And I do believe this is
incentivized all the
companies to push on getting
the manufacturer to send
them the equipment and bring
their full fleets up to
speed on it.

>> Tovo: But it is in
essence putting the drivers
in the difficult choice of
they either have to forego
what this council has said
is a good incentive for
getting drivers out on the
street.

They either have to forego
that extra money or they run
the risk of getting their

company a ticket.

>> Yes, ma'am.

The only way I can explain
it, yes.

>> Tovo: So I want you to
refresh my memory.

I think you mentioned this
in your memo.

You did meet with the cab or
your staff met with cab
companies before this
surcharge, before the
surcharge resolution was
passed by the council.

And they did feel that they
could get the equipment,
they did equipment to
getting the equipment that
would enable the surcharge
to happen.

>> Yes, ma'am.

Before this piece of the ordinance change, there was communication back from the cab companies that they thought that they would be able to acquire the necessary equipment.

I will tell you that austin cab and lone star have by far acquired the appropriate equipment.

We believe that austin cab is having trouble on just three cabs getting that actual equipment in and they're caught in the same backlog of equipment, we believe.

And we believe that lone star only has one cab that

is still being modified for
the appropriate thing.

When yellow cab indicated to
us that they were having
trouble getting the
equipment, they actually
suggested the august 1
deadline.

So we feel we were
negotiating in good faith
with them.

>> Tovo: I'll go back to
that memo for the dates, but
as I recall there was
appropriate notification
before the surcharge was --
passed and whatnot.

And I just want to say that
I think it's -- I think this
is a distressing situation
to me that we're putting --

the cab companies are
putting drivers in that
situation of it not being
easy for them to collect a
surcharge that I think is
appropriate for driving
during that period.

So thank you for the
information.

>> Thank you.

>> Cole: The next speaker
is paul robbins.

>> Ready?

When does the timer start?

>> Cole: As soon as you
start talking.

>> Council, if I have any
message or question to
leave -- to leave you with,

it would be why does austin
water utility get a walk?
Council, you dealt with
austin energy's electric
rate case for over six
months.

You held at least 15 work
sessions and at least three
public hearings.

But consider the contrast.

Austin energy's rate
increase was the first one
in 18 years and rates went
up only seven percent
overall.

Austin water has increased
rates almost every year
since 2000 and rates have
doubled since then.

There's another increase
coming this year.

Yet there's not been one
work session to find out
why.

Is the half billion dollar
budget they have not worth
the scrutiny?

Austin energy is not
anywhere close to being the
highest utility in texas.

Austin water utility has the
highest water cost of the
top 10 cities in texas.

Again, there's not then a
major effort to discover
why, let alone what can be
done about it.

Austin's water conservation program has had major problems in management and effectiveness since the middle of 2008, and yet three and a half years later the problem still persists despite a greater budget and more staff.

Regarding the greater budget, staff seems to be having trouble spending its allocated funding, which given the poor way some funds are spent, might be a blessing in disguise.

The council has made one of the most irresponsible decisions in years when it lifted drought restrictions when the lakes were still half full and headed lower.

This typifies an attitude of
negligence of public safety
of the water supply and yet
the decision goes without
comment.

Are we proud of having the
highest water rates?

Of the
top 10 texas cities?

Are we proud of having an
underachieving conservation
program?

Why are we ignoring the
drought when the lakes are
47% full?

Why does austin water
utility get a walk?

[Applause]

>> Mayor Leffingwell:

Those are all the speakers
that we have.

So the city council will go
into closed session now to
take up five items.

Pursuant to section 55 one,
.71 of the texas government
code the council will
discuss the following items.

Item 66, issues related to
open government matters.

Item 67, legal issues
related to chapter 245 of
the local government code
and related providings of
city code chapter 251
article 12.

Item 68, legal issues
related to the november 6,
2012 election.

Item 69, legal issues
related to the soah docket
application of jeremiah
ventures lp for a new tlap
permit.

And pursuant to section
074 of the government
code the council will
discuss the following item:

Item 70 to evaluate the
performance of and consider
compensation and benefits
for the city manager.

Is there any objection to
going into executive
session?

For these items?

Hearing none the council
will now go into executive
session.

For your information, if
you're out there waiting

for -- anticipating the time
that we'll come back, it
will be, I will say at least
two hours.

Of course no guarantees.

>>

>>> is that.

>>>

>> test test test this is a
test, abcdefg,

>>>

>>>

>>>

>>>

>>>

we are out of closed

session, in closed session

we discussed legal items

related to 66, 67, 68, 69,
personnel matters related to
item 70.

So I believe the first thing
we need to do, we have an
item that was to be -- to be
postponed?

Or -- or set for a time
certain?

86, is there a
motion to withdraw this
item?

Motion by councilmember
morrison.

Seconded by the mayor pro
tem.

>> Mayor, I have a comment.

>> Mayor pro tem.

>> Cole: Yes, I also

wanted to make a comment

70,

the compensation and

benefits for the --

>> Mayor Leffingwell: Can

we get through this item

first.

>> Cole: You're going to

do that, okay.

>> Mayor Leffingwell: All

if in favor of withdrawing

item 86 say aye.

>> Aye.

>> Opposed say no?

Passes on a vote of 6-0 with

councilmember spelman off

the dais.

Also, now we can postpone

88 until september

27th.

So -- so motion by the mayor

pro tem to postpone.

And I will second.

All in favor say aye.

>> Aye.

>> Mayor Leffingwell:

Opposed say no.

Passes on a vote of 6-0 with

councilmember spelman off

the dais.

So now we will go to our --

excuse me, I will recognize

the mayor pro tem for a

brief comment.

>> Cole: Yes, mayor.

I just wanted to say that we

did in executive session

70, with

respect to the compensation

and benefits of the city

manager and we look forward
to his continued service.

>> Mayor Leffingwell: Yes.

And I said that when i
brought us out that we did
discuss item 70.

>> Cole: I just wanted
to --

>> Mayor Leffingwell: So
now we'll call up our zoning
cases.

>>> Thank you, mayor and
00 zoning and
plan amendments, public
hearings, that are open and
possible action.

71

and 72 because that's a
discussion postponement.

NPA-2012-0013.02 - 900 South

1St street - conduct a

public hearing and approve

an ordinance amending

Ordinance No. 020523-32, the

Bouldin Creek Combined

Neighborhood Plan, an

element of the Imagine

Austin Comprehensive Plan,

to change the land use

designation on the future

land use map (FLUM) on

property locally known as

900, 904 and 908 South 2nd

Street, and 1000 and 1002

South 2nd Street, 705

Christopher Street a

>>>

>>>

unaddressed Christopher

Street (Lots 4-7, Block 2,

ordinance amending Chapter

25-2 of the Austin City Code
by rezoning property locally
known as 900-908 South 2nd
Street and unaddressed
Christopher Street (Lots
4-7, Block 2, Oak Cliff
Addition, 0.553 acres) (East
-- Staff is requesting a
postponement of these items
to your september 27th
meeting.

75,

C14-2012-0033 - 900 S. 1st
(Part 2) - Conduct a public
hearing and approve an
ordinance amending Chapter
25-2 of the Austin City Code
by rezoning property locally
known as 1000-1002 South 2nd
Street and 705 Christopher
Street, staff is requesting
a postponement to your
september 27th agenda.

76.

NPA-2012-0019.04 - Austin

Vintage Guitars - Conduct a

public hearing and approve

an ordinance amending

Ordinance No. 20040826-056,

the Central Austin Combined

Neighborhood Plan, an

element of the Imagine

Austin Comprehensive Plan,

to change the land use

designation on the future

land use map (FLUM) on

property locally known as

4306 Red River Street

(Waller Creek Watershed)

from Mixed Use/Office land

use to Neighborhood Mixed

Use land use.

To designate the property to

Neighborhood Mixed Use land

use. Planning Commission
Recommendation: To grant
Neighborhood Mixed Use land
Use.

Ready for consent approval
on all three readings.

77.

C14-2012-0065 - Austin
Vintage Guitars - Conduct a
public hearing and approve
an ordinance amending
Chapter 25-2 of the Austin
City Code by rezoning
property locally known as
4306 Red River Street
(Waller Creek Watershed)
from limited office-mixed
use-neighborhood plan
(LO-MU-NP) combining
district zoning to
neighborhood
commercial-mixed

use-neighborhood plan

(LR-MU-NP) combining

district zoning. Staff

Recommendation: To grant

neighborhood

commercial-mixed

use-conditional

overlay-neighborhood plan

(LR-MU-CO-NP) combining

district zoning. Planning

Commission Recommendation:

To grant neighborhood

commercial-mixed

use-conditional

overlay-neighborhood plan

(LR-MU-CO-NP) combining

District zoning.

This is ready for consent

approval on all th

readings.

C14-2012-0062 - the marchesa

hall & theater - conduct a

public hearing and approve

an ordinance amending

chapter 25-2 of the austin

city code by rezoning

property locally known as

6404 north ih-35 service

road southbound, suite 3100

-- to zone the property to

commercial liquor sales

sales-neighborhood plan

(cs-1-np) combining district

staff

to grant

commercial liquor

sales-conditional

overlay-neighborhood plan

(cs-1-co-np) combining

district zoning.

This is ready for consent

approval on all three

readings.

79.

C14-2012-0028 - 3rd &

colorado - conduct a public

hearing and approve an

ordinance amending chapter

25-2 of the austin city code

by rezoning property locally

known as 301 and 311

colorado street and 114 west

3rd street (town lake

watershed) from central

business district-central

urban redevelopment district

(cbd-cure) combining

district zoning to central

business district-central

urban redevelopment district

(cbd-cure) combining

district zoning, to change a

staff

to grant

-- staff offer for consent

approval.

The applicants asked for two additional -- modifications under cure.

One to reduce the number of off street loading spaces from three to two.

And to allow a curb cut for the garbage access to be a width of 36 feet instead of 30 feet.

Originally they proposed two 30-foot driveways.

The planning commission recommendation was to grant the cbd cure zoning as a condition of zoning, but they did not consider the two items that I just read

into the record.

But we would offer this for
consent approval only on
first reading.

At this time.

And I offer that as a
consent item.

Item no.

80.

Is a related restrictive
covenant for this property.

C14-2008-0159(rca) - 3rd &
colorado - conduct a public
hearing and approve an
ordinance amending chapter
25-2 of the austin city code
by rezoning property locally
known as 301 and 311
colorado street, and 114

west 3rd street (town lake watershed) to amend a portion of the restrictive covenant as it relates to certain uses and development his standards.

Staff is requesting a postponement of this item to your october 11th agenda and at that time we would bring back the related zoning cases.

Red into the record for second and third reading.

81.

C14-2012-0074 - zilk's - conduct a public hearing and approve an ordinance amending chapter 25-2 of the austin city code by rezoning property locally known as 1807 west slaughter lane

(slaughter creek watershed)
from community commercial
(gr) district zoning to
limited industrial service
staff
to grant
limited industrial
service-conditional overlay
(li-co) combining district
zoning and platting
commission recommendation:
To approve limited
industrial
services-conditional overlay
combining (li-co) district
bb
-- zoning, ready for consent
approval on all three
readings.

82.

ben

white zoning change -
conduct a public hearing and
approve an ordinance
amending chapter 25-2 of the
austin city code by rezoning
property locally known as
2104 west ben white
boulevard westbou
the applicant requested a
postponement of this item to
your november 8th meeting.

83 skies

sh(rca) -

shire's court - conduct a
public hearing to amend a
restrictive covenant for the
property locally known as
1910 ½½ wickshire lane
(country club east creek
staff
requesting a postponement of
this item to your september
27th agenda.

C14-2012-005- lot 2, block
y circle c phase b section
nineteen - conduct a public
hearing and approve an
ordinance amending chapter
25-2 of the austin city code
by rezoning property locally
known as 10407-½½ dahlgreen
avenue.

This is to zone the property
to community
commercial-mixed
use-conditional overlay
(gr-mu-co) combining
district zoning to community
commercial-mixed
-- to change the condition
of zoning.

The zoning and platting
recommendation was to grant

community commercial-mixed
use-conditional overlay
(gr-mu-co) combining
district zoning, to change a
condition of zoning, ready
for consent approval on all
three readings.

I will note on your dais you
have a revised map to
clarify the tract number and
it's yellow, it's in yellow.

So with that I can offer it
for consent approval on all
three readings.

85.

C14-2012-0063 - christian
life austin - conduct a
public hearing and approve
an ordinance amending
chapter 25-2 of the austin
city code by rezoning
property locally known as

4700 west gate boulevard and

4701 sunset trail

this is a christian life

austin zoning case.

One of the applicants that

would be coming down to

present had a medical

emergency and was not able

to be here tonight, so

they've respectfully asked

for postponement of this

item.

To your september 27th

agenda.

And so that concludes the

item that I can offer for

consent approval or

postponement of -- this

evening.

>> Mayor Leffingwell:

Okay.

So the consent agenda is to
postpone items 73, 74, 75,
UNTIL SEPTEMBER 27th.

To [indiscernible] public
hearing and approve on all
three readings, item 76, 77,
78, close the public hearing
and approve on first reading
only, items 79 and 80.

Close the public hearing
approve on all three
read, --

>> mayor, on item 80 there's
a postponement request to
OCTOBER 11th.

>> 80.

>> 80.

Number 80.

>> Mayor Leffingwell:

Okay, correction.

80 Postpone until october

11th.

And to -- to close the
public hearing and approve
on all three readings item
81, postpone item 82
UNTIL NOVEMBER 8th.
Postpone item 83 until
SEPTEMBER 27th.

To close the public hearing
and approve on all three
readings -- readings item
84, and to postpone item 85
UNTIL SEPTEMBER 27th.

So that's -- that's the
consent agenda.

Entertain a motion.

Ment councilmember morrison
moves approval.

Seconded by the mayor pro
tem.

>> Discussion?

>> Councilmember tovo.

>> Tovo: Mayor, I need to
recuse myself from items 73,
74 and 75.

>> Mayor Leffingwell: 73,
74, 75.

Okay.

All in favor of the motion
say aye.

>> Aye.

>> Mayor Leffingwell: All
opposed say no?

Passes on a vote of 6-0,
councilmember spelman off
the dais and councilmember
tovo recused on 73, 74, 75.

So that brings us to -- is
this a quick discussion on
77, 78?

Not --

>> 71, 72.

>> 71, 72.

71.

01 - 603 west

johanna street - conduct a

1

public hearing and approve

an ordinance amending

020523-32, the

bouldin creek neighborhood

plan, an element of the

imagine austin comprehensive

plan.

The zoning -- item 72,

72.

C14-2012-0021 - polvo's

parking offsite - conduct a

public hearing and approve

an ordinance amending

chapter 25-2 of the austin

city code by rezoning

property locally known as
603 west johanna street
(east bouldin creek
watershed) from family
residence-neighborhood plan
(sf-3-np) combining district
zoning to neighborhood
office-mixed
use-neighborhood plan
(no-mu-np) combining
district zoning.

The applicant has requested
a postponement to the
september 27th meeting for
both items 71 and 72.

They are list -- their
listed reason was that
they -- it was at the advice
of their legal counsel to
postpone those items.

Previously, this item came

before you, the applicant i
believe requested a
postponement to your august
2nd agenda.

The neighborhood came back
and then asked that the case
be postponed to the august
16th agenda.

The agent at the time agreed
to the postponement today.

But is seeking a
postponement today to the
27th.

>> Mayor Leffingwell: Was
there any opposition to the
request?

>> I believe that you have
neighbors that are here that
would like to speak to

having the case heard today.

Their representative, mr.

Moncatta that was here

earlier to speak on the

applicant's behalf has left.

>> Mayor Leffingwell:

Okay.

So can we have three minutes

for neighborhood

representative to -- to --

or the agent to talk about

why you oppose?

>> Hi, mayor, council, david

hartman, submit robertson

law firm representing the

adjacent landowner most

affected by this applicant's

request.

There are leadership members

of the bouldin creek

neighborhood association

here to speak as well should
you so desire.

This case was filed february
of this year.

Planning commission
unanimously recommended
against the applicant's
request on may 22nd and as
indicated the -- the
postponement at the june
28th council the applicant
made a request that we feel
like the applicant had that
request [indiscernible] my
client requested a
postponement to a day that
my client was out of the
country.

He travels internationally
for a major employer out of
round rock.

He will be out of the

country for the next several weeks as well.

We are all here ready to speak and the applicant didn't come in until about 45 minutes ago.

Nobody was present for the applicant's representative or present until about 45 minutes ago.

I just feel like it's the applicant manipulating the process to not get to the merits of the case.

[Indiscernible] I would be happy to answer any questions.

>> For clarification, do you have a question of -- I was just going to ask so there's

been one request for
postponement by the
applicant and one by the
opposition.

>> I think the last time
that this was before you,
there was a request by the
applicant to postpone this
UNTIL AUGUST 2nd.

The neighborhood, it may
have been also this adjacent
property owner, said that
they would like it postponed
UNTIL THE 16th.

Council granted the request
to postponement this to the
16th.

And so it brings us to where
we are today.

The -- the agent, mr.

Moncotta indicated to me and

rusthoven that he

would like an additional

postponement to september

27th.

At the advice of legal

counsel and then he left.

>> Has the applicant been

granted a postponement?

>> I think at the last

meeting the applicant asked

for a postponement to the

2nd.

The neighborhood asked for

the 16th and there was a

postponement granted.

The applicant did agree to

the postponement to today.

That was made to the -- to

the -- that was requested by
the neighborhood.

So, yes, the applicant
received a postponement.

The neighborhood received a
postponement.

But what council agreed to
was a postponement date that
the neighborhood
requested --

>> Mayor Leffingwell: Two
different postponements?

>> There was a postponement
made by the applicant.

The neighborhood asked for
IT TO BE THE 16th, BECAUSE
They wouldn't be here on the
2nd so the council granted
TO TODAY, THE 16th.

>> Mayor Leffingwell: One
postponement, has been
granted to the applicant?

Gotcha.

All right.

Councilmember tovo.

>> Tovo: In fact, if i
understood your chronology,
it gave him more time than
he originally asked for
because he had requested a
postponement to the 2nd
and here we are on the
16th.

So we had a -- he had a
couple more weeks, in
essence.

>> Two more weeks, yes.

>> Tovo: And he was here

today.

>> He was here earlier and left.

>> Tovo: And the only reason he was requesting it was -- it wasn't a matter of not being able to attend because he had attended. So there wasn't a scheduling conflict.

>> To be more specific on june 18th we received a letter from the applicant to postpone the hearing on june 28th to august 2nd.

On june 28th we received a request from the barton creek neighborhood association to postpone the case that was on that day to

AUGUST 16th.

Bouldin creek.

>> Bouldin creek, I'm sorry.

>> ON JUNE 28th, THE CITY

Council decided to postpone

TO AUGUST 16th, IN OTHER

Words they sided with the

neighborhood for the longer

request.

But basically they both

requested a postponement on

JUNE 28th, THERE WAS A

Difference in the dates.

In the end the applicant

said he was okay with the

neighborhood's date of the

16th which is why we're

here today.

That's where we are.

>>> Okay.

1.

>> Mayor Leffingwell:

Where we are now council,
entertain a motion on the
postponement, if the
postponement is denied,
we'll hear the case tonight,
probably be much later
tonight because we're going
to have to recess here in a
couple of minutes for live
music and proclamations.

So is there a motion?

Councilmember martinez?

>> Martinez: Since we
don't have anybody here
representing the applicant,
I mean, I would hate to hear
a case with them not here.
I realize they understood it
was on this agenda.

>> The applicant has left.

..

>> The applicant is

here.

So are you making a motion

to grant the postponement,

councilmember?

>> They -- jerry, did they

say what date they would

like it to be postponed?

>> YES, TO SEPTEMBER 27th.

>> Oh, good -- I will move

to postpone it until next

week.

>> Mayor Leffingwell:

Councilmember martinez moves

to postpone it until august

23rd.

Is there a second for that

motion?

Seconded by councilmember

riley.

And I'll just say that I'm
going to support that.

This time only.

If the applicant is not here
ON THE 23rd, I AM GOING TO
Support going ahead and
hearing the case without the
applicant.

Councilmember tovo?

>> Tovo: I don't know if
we have other people signed
in to speak to the
postponement request.

Are there other people
here --

>> Mayor Leffingwell: We
traditional allow only one.

>> Tovo: Only hear one.

May I ask a question of
somebody in the audience.

cathcart if you are
will, are you expressing
that you have a conflict in
being here next week?

>> Mayor Leffingwell:

Please up come to the
microphone to answer.

We need to get you on record
with your answer.

>> Thank you, I'm sorry.

Mayor pro tem, courage, my
name is mark cathcart, i
live at 605 west jo hannah
street.

I am the senior technical
integration executive for a
4 billion acquisition
being made.

I am not here next week.

I will be in canada.

I have australia, china,
russia, israel, germany and
a whole bunch of others to
do.

We have been sent here
today, we were here on time.
The applicant didn't show up
until after 4:00.

If you would have been on
time, which I understand
that you couldn't be, they
would have missed the
hearing anyway.

So I cannot be here next
4 billion --

>> Mayor Leffingwell: When
could you be here?

>> I can't say, sir.

I honestly can't say.

I will be here the week of
labor day, both the week
before and the week after on
THE 7th.

I know that you will be in
beyond that, i
really don't know.

It's -- you know, this has
been a major thorn in my
side for the last five
years.

So I -- you know, I would
ask you to hear this today.

>> Mayor Leffingwell: The
next council meeting would
BE THE 27th.

After -- that's after august
23rd would be the 27th
is that correct?

>> That's correct, mayor.

>> You know, again, I would
just point out, you know,
last time we were here we
30 for the
planning and zoning.
I am paying for attorney's
fees for this.

You know, I'm not the
applicant.
I have paid for my
attorney's fees again for
another five hours, david is
as good as he is, but, you
know, they wouldn't have
been here if you had been
able to start on schedule.
I don't see why you can't go
ahead anyway.

They hadn't requested a
00 when
this was due to be heard, i

don't understand.

I couldn't run my business
like this.

>> Mayor Leffingwell:

Well, we were in closed
session until about 12:30.

>> I do understand that.

I'm not blaming you for
this.

>> I wouldn't -- trying to
find a time when you both
would be here.

>> Tovo: Let me ask
another, if I may, ask
another question.

Not necessarily of mr.
Cathcart.

I see some representatives
from the neighborhood
association here today.

Are you also opposed to the
postponement request?

>> Thank you, brad patterson
from the bouldin creek
neighborhood association.

Yeah, we are opposed to the
request.

As volunteers we've been
sitting here today, and two
and a half hours after the
hearing is scheduled we're
asked for a postponement,
you know, as volunteers
that's a difficult thing to
do.

I took off from work to be
here today.

At the same time, we had
originally set this date so
that the affected neighbor

would come back from out of
the country in order to be
here.

On a date that would work.

So -- so, you know, whenever
it gets postponed I'll have
to come back.

I mean if you hear it later
tonight, I won't be here
because I have other
engagements tonight, too.
None of that is your fault.
So, yeah, we're opposed to
it.

This has been going on, the
neighborhood planning
hearings, planning
commission, as far as I can
tell, there's no changes,

there's nothing new, they
just want more time.

So, yeah, we are opposed.

>> Tovo: Thanks.

guernsey, I want to
clarify one point that you
brought up.

Or one point that was raised
by the -- by the folks who
came down here today.

So the -- so the item is
scheduled for 2:00 today.

>> That's correct.

>> And what time did you
receive the request for
postponement?

>> I spoke to him
verbally --

>> about an hour ago.

>> Tovo:00

time frame.

>> Probably about maybe 30 minutes before that, I spoke to the applicant on the phone and he indicated that he wanted a postponement.

>> Tovo: Yeah, I would say that -- I mean, there are -- the request was made back in june, they've known for a good almost month and a half now that the hearing was happening today.

We have got citizens who came down took off work to be here, it was scheduled for a date when one of the most affected property owners could be here.

To me it's -- we haven't
heard a good reason or any
kind of pressing conflict
that would enable -- that
would prevent the
representative for the
applicant to be here.

And frankly I -- I don't
hear -- I haven't heard any
good re postponing
it.

We have the people here
today who would need to be
part of that discussion as
affected neighbors and
affected neighborhood
association.

Since we have to break for
live music anyway, that
would give the staff a

moncata

and say please come down and

Speak to it.

So I will not be supporting

the motion.

I think we should hear it

tonight.

>> Cole: Mayor, I have a

question.

>> Mayor Leffingwell:

Councilmember Morrison

first.

>> Morrison: Thank you,

mayor.

With this very tortious

process that -- torturous

process that we put people

through, I won't support the

motion, either.

But if we can go forward and

hear the neighbor, we have
the option of ruling,
postponing the item to the
next meeting date.

We have the option of
closing the public hearing
or not.

And then asking folks if --
if it comes up on another
date.

So I think the in deference
and respect to the folks
here, I'm really, really
concerned about -- about
what I perceive to be an
applicant just presupposing
that automatically they're
going to get a postponement
in a situation like this.

So I would prefer that we
move so because I won't be
able to support your motion.

>> Mayor Leffingwell: I

think that I said that was
concerning to me, also, I'm
just not going to make that
judgment on my own, although
I did say if it happens
again.

>> Morrison: Well, that's
why I'm looking for a way to
be able to respect the time
of the take, that are here
today and -- the time of the
folks that are here today
and the gentleman who won't
be here next time.

>> Mayor Leffingwell: I
understand, there's a motion
on the table, if that
motion -- if the motion
fails, then we will hear the
case.

Mayor pro tem?

>> Cole: I would like

to -- how many neighbors are
here?

>> Mayor Leffingwell: Just
raise your hands.

>> [Indiscernible]

>> Cole: Because I really
think that we need to
recognize our responsibility
and we're not on time and
that creates problems for
the neighbors and the
applicant.

And I know y'all didn't make
that, but we just wants to
make that absolutely clear
and that's why it's
difficult for me to make
this decision because part
of is if someone is really
expecting us to be here at

00, that they should know

we run longer, but still.

I wanted to ask mr.

Guernsey, is it possible for

us to hear the testimony of

the people that are here

and --

>> Mayor Leffingwell: Let

me answer that.

I can answer that myself.

The answer is we have a

motion on the table, we have

to act on that motion.

If that motion fails, then

we can hear from the public.

Councilmember tovo.

>> Tovo: If I might just

add as councilmember

morrison was saying, we

could hear the testimony and

decide at that point to
postpone and wait for the
applicant's representative
to come next week.

>> Mayor Leffingwell: If
the motion -- if the motion
to postpone fails we will
hear the case and then we
could, you are right, decide
to postpone after that.

And so before we vote on the
motion, councilmember
martinez, I think that you
just heard from the
applicant that he could not
BE HERE ON AUGUST 23rd.

The next available date is
SEPTEMBER 27th.

I just wanted to bring that
to your attention.

>> Martinez: No.

That -- I don't think that
was the applicant.

That was the neighbor.

>> Mayor Leffingwell: I
meant the neighbor, sorry.

>> Martinez: You know, we
can hear it tonight, we're
not going to hear it for
several more hours.

>> Mayor Leffingwell:
Right.

>> Mayor Leffingwell: But
there is a motion on the
table.

So all in favor of the
motion to postpone until
AUGUST 23rd, SAY AYE.

>> Aye.

>> Mayor Leffingwell:
Opposed say no.

>> No.

>> Motion fails.

On a vote of 2 to 4 with
councilmember riley, tovo,
morrison and mayor pro tem
all voting no.

So we will hear the case
later tonight and -- and
right now without objection
we are going into recess for
li
proclamations.

Signal so welcome to live
music at the austin city
council meeting.

It's our great privilege to
have a good group here
tonight led by mayor gus

garcia.

[Applause]

mayor garcia, served on the council for nine years, and he served as mayor from 2001 to 2003.

He was the first hispanic elected to the austin school board.

And was chosen by the greater austin hispanic chamber of commerce as their first ever lifetime achievement award recipient.

He has a lot of things named for him.

Garcia middle school, is named in his honor and gustavo gus l garcia park was named in his honor by the stay with us, we're very proud of that.

He is embracing his inner
sinatra by performing
[laughter] with the music
outreach volunteer
entertainers or move.

Move is a part of central
texas association accordion
association and has a
mission to promote accordion
music performances in and
around austin.

Organized in 2001, the
members play once or twice a
week, in a variety of
places, and friends,
relatives and club members
join in to create a happy
mixture of popular songs and
mayor garcia adds a strong
singing voice, stage
presence and sense of humor
to the ensemble.

Please help me welcome gus

garcia and the band!

[Applause]

>> thank you, mayor.

The song we're going to sing

is -- was written in the

early part of the 20th

century by one of the most

famous mexican composer and

song writerrers.

Lorenzo [indiscernible] we

will be singing the two of

us, [indiscernible] is also

a vocalist and I guess that

you would call that for lack

of a better term.

So we're very happy to be

here and we'll sing el

rancho grande.

[🎵 Music playing 🎵]

>> put the cd, we're going

to be recording one in the
middle part of september and
we'll get you one for the
city records.

City files.

>> Mayor Leffingwell:

Excellent.

It will be ready september?

>> Ready by mid september.

>> Mayor Leffingwell:

Okay.

So -- so we probably need
about seven copies of that.

>> Yes.

>> Mayor Leffingwell:

Okay.

And for anybody out there
who would like to buy one,

I'm sure that you'll be
happy to make one for them.

>> \$15 Plus sales tax.

>> Mayor Leffingwell: \$15
and shipping an handling.

[Laughter]

well, I know a lot of you
probably thought that mayor
garcia was only up here
singing because he's a
famous man in austin and has
a big nape.

But now we saw that he also
has a great voice, right?

Let's give him one more big
hand.

[Applause]

and I know you've seen these
before, this is a
proclamation.

But this time it's in your
honor, says be it known that
whereas the city of austin
is blessed with many
creative musicians, whose
talent extends to virtually
every musical genre and
whereas our music scene
thrives because austin
audiences support good
music, produced by legends,
local favorites and
newcomers alike and whereas
we are pleased to showcase
and support our local
artists, now there ever i
lee leffingwell, mayor of
the city of austin, texas,
the live music capital of
the world, do hereby
PROCLAIM AUGUST 16th,
2012, Is gus garcia day in

austin, texas.

Congratulations, mayor!

[Applause]

>> thank you.

A.

>> Mayor Leffingwell:

We're out of recess.

And we will take back off
the table the item number
20.

We've begun to take public
comment on this item.

We'll continue with that.

And I'll call the speakers
out in order, in the order
that they signed up.

The next speaker is edward
craig.

Is edward craig here?

Laura presley.

Donating time is jose conter
row.

You have up to six minutes.

>> First I want to say thank
you for supporting the
women's shelter.

24 Years ago I was a
resident after women's
shelter in houston with my
two-year-old daughter, and
it warms my heart that
you're going to support
that.

So thank you.

The next compliments are not going to be so -- the next comments are not going to be so complimentary, so bear with me on this one.

Regarding the bond proposals on deck for our november 2012 elections, i want to bring up a few issues related to how we have historically managed and allocated our bond money.

We as voters approved bond funds in 1998, 2006, 2010.

And right now there remains over \$350 million in unspent funds.

This was brought up by

councilmember spelman a few months ago, and I really appreciate the openness that you guys have dealt with on this.

But if you look back from 1998 and 2000, there's about \$62 million that's over 12 years old that we have not spent.

And out of that 350 million that we have not spent, if you look at -- there's parks, open space, sidewalks, pools and street improvements that are included in that.

Since these issues have been discussed in work sessions and also in bond committees, there is a rush to issue over \$130 million in bonds next week that's on the

agenda.

As a voter, this is not acceptable to have approved critical funds and then to have city staff and council not held themselves accountable for implementing what we approved.

And I would give a bye to councilmember tovo for this one for being on the dais for a year, I would hope that the others, rest of you, are a little more accountable for this.

You know, inflation is 24% if look back over the last 10 years.

And with that kind of -- the consequence of us holding \$62 million that's 12 years old, we've lost at least 24 to 25% of that bond value.

That's a big deal.

What I want to ask you guys is that you know, you were probably caught off guard by this and I want to give you a little leeway on it, but 350 million has gone unspent.

My question is what systems and policies are you guys putting into place for yourselves and for the staff to be accountable so that we use and apply these bond funds and we as voters have approved.

I spent 17 years in private industry, and if this had happened in the business groups that I've worked in, we would realize that something different needs to

happen.

There needs to be a system
in place to review this
stuff on a periodic basis.

And we need your leadership
on this.

We need your policy setting
on this.

And I'd like to pose the
question of what's going to
be done going forward
because I think we need some
help.

Thank you.

Next speaker is susana
almanza.

>> Good afternoon mayor and
city councilmembers.

I'm susana almanza with
poder and also with the
montopolis neighborhood
association.

And I'm here today to
support putting the bond
initiative on the
november 6, 2012 election.

I also want to let you know
that we're supporting the
bond funding for the new
montopolis recreation
center, which supports the
funding for dove springs and
also for the affordable
housing.

The other issue I would like
to address is the whole
social equity issue.

We also believe that
(indiscernible) also should

be funded.

It's only four of the
museums in the whole united
states that addresses the
mexican-american arts and
culture and the history.

It has a very rich value in
our communities, bringing
art and education and the
cultural experience.

And so when we look at the
whole issue of the bond
issues dating back to its
inception, we all know that
people of color in east
austin have not received its
fair share of bond funding
money.

Traditionally that's been
set aside for other things
because traditionally we're
supposed to get all the

federal funds.

And I ask you to look
back -- I see that there are
two studies totaling almost
seven million that can
probably be postponed, and
some of that funding used.

I know that the universities
are very capable in their
different programs that they
have to do a lot of studies
that we should explore those
alternatives.

A lot of times the studies
are done and then the actual
implementation is not done
until many years later.

So I am offering a
suggestion that you fund
mexicarte museum and that
you look at possibly

transforming those fundings
from those studies to make
that happen.

Thank you so much for your
time.

>> Tovo: Mayor?

Just a quick one.

Thanks, ms. almanza.

Which were the line items
that you were talking about?

>> I saw one with the bridge
study and I think that was
three million.

And then there was another
study for design for four
million.

>>

>> Tovo: And do you happen

to remember which project
that was?

>> It was a group design
project and it was --

>> Tovo: I think it was
new design.

I know which category you're
talking about now, new
design, something like that.

Thank you for those
suggestions.

>> Mayor Leffingwell: Next
speaker is lucky lamoe.

>> Good evening, mayor,
mayor pro tem and
councilmembers.

Yes, my name really is lucky
lamoe.

I'm her in two capacities,
one as friends of the
dougherty arts center as
well as a mother of a
six-year-old boy whose life
was transformed by the
dougherty in the preschool
arts program.

So passionate about both.

I'm here today to ask for
the councils continued
commitment to support the
four million dollars
allocated in the upcoming
bond election to support the
rebuilding of the dougherty
arts center.

You know, it's not really a
question of value or love.

I think the city is well

aware that the dougherty
arts center has been a
mainstay of this community
and the arts community for
over 40 years.

It's unique because it is
community-based and it does
provide affordable and
accessible arts programs and
services to all austinites,
children and adults.

It serves over 200,000
customers a year.

So the value isn't the
question.

And the need isn't really a
question.

The building is over 65
years old and I'm not
minuting words when I say
it's decrepit.

Pipes are actually falling
into the landfill, it's
built over a former
landfill.

There are rats and you can
smell the rat feces and
urine when the air
conditioning system goes
out, which is frequently.

Holes to the outside of the
building.

And there was an assessment
done in 2010 which documents
this.

So I can't understate how
bad the building is in
disrepair.

It's not a question of value
or need, but it is a

question of funding.

And I will say that I asked
the council to continue
their commitment for the
four million dollars in the
bond election package of the
nine million it's going to
take.

The friends of the dougherty
arts center does have the
capacity.

We are a group of citizens
gaining strength everyday
who are committed to gaining
funds and opportunities for
funding to make this a
reality.

And just in closing I need
to say that I've been here
all day and I've let

somebody else take care of
my six-year-old son.

If I wasn't passionate about
this and see what a
difference it has made in my
son's life.

My son was four and he
didn't care about art,
markers, scissors, took him
to the preschool program
because I could afford it
and he was there and he
transformed overnight.

And the light bulb went off.

He lives art and drama.

He draws all the time, burns
up markers.

We go through so much paper
and tape in my house, you

can't believe the and I'm
standing here today because
I really believe in the
dougherty arts center and
I'm not the only one in love
that loves this beloved
institution.

I really do ask council and
appreciate your
consideration for the four
million dollars, the funding
to rebuild the center
because it can't take any
more band-aids.

It needs help.

I thank you very much for
your support and I'll
entertain any questions.

>> Mayor Leffingwell:

Thank you.

(Indiscernible) cavasas.

>> Good evening, mayor and councilmembers.

My name is perla cavaas.

And I want to first thank you for your service and for doing this hard work.

There's so many just great projects and I know it's a really tough decision to make to decide which of the items will be put on the ballot in november.

I'm here specifically to speak about -- in support of a few, I want to ask for your support.

First is the housing bond.

Just think so much for adding that to the package and for adding it at a level that's higher than the last bond elections.

I also wanted to briefly
state that I support also
the project at dove springs
and montopolis.

I want to also add that I'm
asking for your support for
the mexicarte museum.

I know that it was not
included in the vote
yesterday, but I just really
want to ask that you give it
careful consideration.

It's not just a museum to
me.

It's something that I'm
very -- I take great pride
in.

As a member of the latino
community, mexicarte has
been around for nearly 30

years, and it's been just a
fantastic vessel for
sociocultural advancements
of the latino community.

It's played such a large
role over the years in
creating just a better
appreciation and
understanding for the
contributions of latinos to
our communities.

And honestly, it's also
played a large role in
improving our quality of
life.

And decreasing prejudice
against latinos.

As an example, I think about
the della des mortes and how
fantastic that's been with
people coming from all over
to celebrate this cultural

tradition.

And it's bridging east

austin to downtown.

You may be aware people

gather up and they walk

across about a mile from

plaza saltillo to downtown

and thousands of people come

and enjoy and celebrate

that.

Soy really do think that it

has more than just the value

of an everyday museum.

And in this day when latino

communities are associated

with high teen pregnancy and

juvenile delinquency, and

unfortunately I can't stand

to hear all that stuff, but

mexicarte is a positive for

our community.

And it's something that we
can be proud of and I just
ask for your support for
mexicarte and putting it on
the bond for november.

Thank you.

>> Mayor Leffingwell:

Thank you.

Octavio hinojosa.

>> Good evening, mayor, good
evening, mayor pro tem, city
councilmembers.

I'm honored, delighted to
have this opportunity to
speak on behalf of mexicarte
museum.

Let me first start off by
saying a few words of thanks
and appreciation for your
service and dedication to

austin.

City councilmembers, I am a
new austinite.

I recently moved here to
austin from san antonio, but
I would like to say that i
came from washington, d.c.

I was attracted to austin
for a number of reasons.

The quality of life,
economic opportunities, its
diverse culture, and I'm
here to give a few words of
support and appreciation for
this important institution
which I have benefitted and
so have not only members of
my family, but a key group
of citizens in our
community.

And I'm speaking of

students, the future labor
force of austin.

I'm honored to head up an
organization called the
hispanic scholarship
consortium, a nonprofit
organization which provides
scholarship, mentorship
support to students who are
of hispanic heritage here in
austin and travis county.

I'm delighted to share with
you that over 80% of our
students go on to graduate
from college.

The reason why I bring this
up is because recently our
organization held a
reception in honor of our
students who have received
their scholarships and it
was held at mexicarte

museum.

And I was astonished to
learn that for the majority
of them who are here
locally, it was the first
time visiting this museum.

It says a lot when a
community is proud to share
its diversity, its heritage.

And when we have students
who are not seeing
themselves reflected in our
institutes of art, culture
and education, I consider
that as a red flag.

I would like to ask for your
consideration in supporting
Mexican art and this bond for
think of the
positive economic impact
this will have on the local
community.

If you each have had the
opportunity to visit in
spain, the guggenheim there,
you would learn and come to
appreciate that this museum
was built at a moment when
this particular city was in
distress.

There was great leaders,
great visionary and they put
together this amazing museum
which immediately led to a
positive economic impact to
the city.

The museum cost 87 million
euros to build and within
its first year it generated
directly 100 million euros
in tax revenues.

Austin needs a guggenheim

effect to take place here.

We see folks coming in from
all parts of the state, all
parts of the country, and
internationally to come
visit austin.

As I said, I am a new
austinite.

And I'm delighted to share
with my family and friends
who come visit me the
downtown experience.

And particularly those
prepareds and family who
visit me from abroad.

It is a pleasure to be able
to walk down the street of
congress and not only show
them the capitol, the
historic district, but point
out here is a museum that
reflect the cultural

heritage of 35%.

One out of three austinites.

Again, I encourage your
support and appreciate this
opportunity.

>> Mayor Leffingwell:

Elizabeth baskin.

Ken howard.

Ken howard.

[One moment, please, for
change in captioners]

.. to plug in his
nebulizer.

He said, you know, our car
didn't have an electricity
plug.

We need affordable housing.

We need permanent supportive housing.

And we're here and we'll be here until your work is done.

So if you have any questions, there's folks in the room that will help you answer them.

Thank you.

>> Mayor Leffingwell: Paul scott?

Following paul will be frank fernandez.

123450 Good evening, mayor, mayor pro tem, and city council members, my name is paul scott.

I'm executive director of aids services of austin, but

aim here primarily as vice
chair of one voice central
texas, which is our
community's organization of
health and human services
organizations representing
over 63 organizations.

Ranging from workforce
development to basic needs
to health literacy to
specialized care in our
community.

And I wanted to -- to state
that we met in our
membership meeting today and
unanimously approved our
support of the affordable
housing component of the
bond initiative.

And we know how important
affordable housing is.

In serving the community and

making sure that the people
that we serve have access to
public transportation, which
is centered into -- the
center part of our city.

And we know how critical it
is, affordable housing is to
maintaining people in health
care, maintaining them in
their employment and
maintaining a really vibrant
city.

You should have a copy of
the letter approved by the
membership.

I would like to read it to
you now.

Dear mayor leffingwell and
city council members, and
you you finalize the bond
package, one voice central
texas and its members, we

understand that you have a
difficult decision to make.

But we strongly urge you to
8 for
affordable housing.

We view this am as the
minimum -- amount as the
minimum acceptable amendment
for safe and stable housing
for the elderly, disabled,
other populations needing
support.

Our letter to you of april
9th advocated for 110
million, then our letter to
you of july 16th urged
support for 100 million.

8 must be
preserved for affordable

housing.

With looming federal and state cuts, this bond offers a unique opportunity for our community to provide affordable housing and home repair.

Affordable housing is at the core of providing disability to the vulnerable nature of the clients we serve and to leveraging the success of the many resources our agencies commit to this population.

We urge you to maintain at 8 million for affordable housing, signed john mcnabb, chairne voice of central texas.

Thank you.

>> Mayor Leffingwell:

Frank fernandez.

>> I'm sarah andre, frank is
on his way, may we switch
places in the queue.

>> Are you mandy?

>> No.

>> Sarah.

>> Yes, sir.

>> My name is sarah andre, i
am a long-term advocate and
practitioner in housing,
since 1994.

I have worked to increase
affordable housing here in
austin.

For those of you who don't
know me, I specialize in
housing finance.

In the past eight years i
have worked on about 650
million in projects.

I remember when being an
affordable housing housing
advocate in austin was
something like being a
communist in the mccarthy
era, there were lots of
secret meetings in basements
and you whispered and you
were very unpopular.

But today the majority of
our voters polled say that
they support, they are
concerned about affordable
housing and that same
majority says that they
support bonds for affordable
housing.

I know you have many
competing interests.

And there are many ways to
spend our tax dollars, all
of which are important, but
today I want to think
about the following things.

I encourage you to vote for
parks and open space.

And without affordable
housing people will need to
camp there.

I encourage you to vote for
a hospital and without
decent safe housing, more
people will need to go there
for their primary care.

I encourage you to vote for
roads and when our workforce
moves to buda, kyle,
dripping springs and san

marcos, we will need more
roads.

I left out our neighbors to
the north because they are
all working on moratoriums
against multi-family housing
which is the primary source
of affordable housing.

8 Is a small price to pay
to inoculate austin against
the plagues that an
unaffordable city will bring
on itself.

Thank you.

>> Mayor Leffingwell:

Isabel headrick.

Following isabel will be bob
nix.

>> Mayor leffingwell and
councilmembers, good
evening.

My name is isabel headrick,
I'm speaking to you as a
member of the choda round
table and a private citizen.

I'm no longer with black
land community development
corporation, but much of
what I have to say with you
tonight is formed by my
experience with the homeless
and very low income folks
who benefited from the
services of black land
community development
corporation.

I am asking you tonight to
maintain your support for
8 million in affordable
housing bonds.

Affordable housing as we
know needs more -- much more

than that.

It needs \$2 billion just to take care of the needs of people who are earning -- households earning under \$20,000 a year.

If we took into account everybody else, we would be talking more like \$5.6 billion.

So the needs are vast.

They are huge.

And in the context of these deep federal cuts, we really need all of the dollars that we can to work on this problem.

The affordable housing bonds address housing needs across

the spectrum.

Home ownership, rental,
permanent supportive housing
and home repair.

Housing trust fund dollars
are not a substitute for
affordable housing go bonds.

They serve very important
purposes, but they do not
substitute from one another.

Housing trust funds provides
flexible funding for
attend-based rental
assistance and down payment
assistant.

Go bonds do not do this.

Go bonds are used for

acquisition and development.

And serve purposes that htf

also doesn't do.

Also, housing trust fund has

historically not been

reliably funded at the

levels we need it to be

funded at.

So that is why I ask you to

maintain your support.

The 2006 go bonds have been

an incredible success.

There's less than a million

dollar remaining.

We constructed nearly 3400

developed units and really

stuck with our core values

that we had established at

the beginning.

So I'm asking you to

continue the support for
building on that success.
Finally, I want to say thank
you guys very much.

I know this has been a
grueling process for all of
you and I really appreciate
all of the work you're
putting into it.

Thanks a lot, have a good
evening.

>> Following bob nix will be
ed McHorse on the other
side.

Welcome.

>> Mayor, mayor pro tem,
councilmembers, thank you
for your time, inrealliffully
requesting that the council
continue to work towards
finding a way to put the 360

area fire station back in
the bond package.

The 360 area fire station
will be located just south
of the colorado river.

This is a high wildland risk
area on all of the windland
risk maps that we have seen.

A recent one came out about
a month ago from texas
forest service in travis
county.

In fact I consider it the
epicenter of whilefire land
risk in austin.

Simply drive through the
area and see for yourself,
all along 360 you will see
beautiful trees and rolling
landscapes, I see fuel and

access issues, an area where
all of the conditions exist
for a massive wildfire.

Sounds like fear mongering,
I guess it is to an extent,
but it's a real risk and
we've been talking about it
for years and we need to
deal with it in some real
way.

Given high fuel load, high
density of homes, hilly
topography, long emergency
response times this is the
perfect setting for a future
massive fire.

This area is currently
underserved with regards to
initial response and also
the time it takes to
assemble an effective

firefighting force.

These studies have been done
by internal firefighter
staffers, not by myself,
some of them have been
provided to you, most of the
councilmembers that I have
spoken to agree that the
risk is great, but the
question quickly becomes
where does the money come
from?

The current bond package
stands right now at \$380
million the way I understand
it.

The 360 area fire station
funding would be
7 million, the funding
level for the 360 area fire
2% of the

\$3.8 million package.

Earlier this week, I thought
we were able to identify
funding for that stay.

There was an attempt -- for
that station.

There was an attempt to
lower the funding on the
police substation, the
thought was, at least i
thought, that some of that
money would go to fund this
fire station.

That money was quickly
reallocated to other areas.

I'm very respectful and
appreciative of the work
that council does and the
duty you have to balance the
city's many competing needs.

However the 360 fire station
2% of the
back and the need is great
and everybody seems to agree
to that.

Please, let's roll up our
sleeves and find a way to
place the station back on
the ballot.

Begin, councilmembers, thank
you -- again, councilmembers
thank you for your time, any
questions.

>> Martinez: Bob, just a
point of reference, we are
actually at 385, just under
385 million.

If we were at 380 I think we
could find the votes to get
the fire station put back in

pretty easy.

So it's subtle but it's a
major difference.

>> 385.

>> We are at -- just under
385.

384.89 Something like that.

>> That would lower the
percentage then, closer to
one percent.

>> Martinez: But we will
work on this here shortly
once we get to the end of
the public discussion.

>> I appreciate your
consideration, thank you.

>> Morrison: Mayor?

>> Mayor Leffingwell:

Councilmember morrison?

>> Morrison: I do have a question.

Could you walk through the numbers with me that you're talking about in terms of how much is needed and what that's actually going to cover?

>> I'm sorry, can you repeat that?

>> Morrison: The numbers that we're looking at, how much is needed and what's that actually going to cover in terms of acquisition, design, all of that?

>> The numbers needed in terms of dollars on the bond package?

>> Morrison: Uh-huh.

>> That's a lowered amount

3

for the land acquisition
design.

The total buildout of the
station.

What we're asking now in an
attempt to compromise and
bring the panel down is
7 million which would be
for land acquisition and
design.

>> Morrison: How does that
break down.

>> Pardon me?

>> How does that break down.

>> I will get that number
for you, but I don't have
that available here.

>> Morrison: Thank you.

>> Thank you.

>> Mayor Leffingwell:

Councilmember tovo?

>> Air and council,

assistant cheer of the

austin fire department.

I actually have the

breakdown here with me.

The cost that we have

through the public works

spreadsheet comes down to

5 million, that's --

that's land and design.

Doesn't include

infrastructure.

That's just to get us

started.

>> Mayor Leffingwell: How

much of that is land and do

you have a specific piece of

land identified?

>> Land would be about 2.3.

>> Mayor Leffingwell: Do
you have a specific site
located?

>> We have a general area.

>> Mayor Leffingwell: So
you are just estimating that
cost.

>> That is correct.

>> Mayor Leffingwell:
Okay.

>> Councilmember tovo?

>> Tovo: Thanks for that
information, I appreciate it
and I wonder if you could
tell me how far this station

would be from the closest?

I know we spoke about it the

other day and I had that

nix,

too, perhaps between the two

of you --

>> looking at our desired

location of where we would

put a loop 360 fire station,

the distance, approximate

distance from station 32,

which is addressed off of

mount bellless o road, about

a mile away from barton

9 miles, 6 miles

away.

Mount bonnell road.

Station 31 addressed off of

2222 near the county line,

we're looking at 5.5 miles.

>> Tovo: Okay, thanks.

>> You're welcome.

>> Mayor Leffingwell:

[Indiscernible] following
spence surduran on the other
side.

>> Good evening, mayor pro
tem, councilmembers, my name
is Ed McHorse, I'm here on
behalf of board chair for
echo and also as the chair
of your permanent supportive
housing leadership finance
committee.

We may need to rename that
by the way because I have
trouble with that.

You all know where we are on
this.

You know that from
supportive housing is the
key element of the
affordable housing package,
we have talked about numbers
before, why this is
important.

8 number is a number
that allows it all to come
together.

Thank you for getting to
that number and I'm hopeful
that you will stay at that
number in two more votes and
we can then be talking about
how we in the affordable
housing community can make
that a reality, both in
terms of passage and of the
construction.

But I wanted to remind you
of that, but also just make

sure that if there were any
questions about how
permanent supportive housing
fits into this, I am
available and would be
available to answer those.

>> Mayor Leffingwell: A
question for you maybe here,
councilmember riley.

>> Riley: I do have one
question on that last point
that you mentioned about how
[indiscernible] meet our
permanent supportive housing

8

number.

Would that allow us to stay
on track of the 350
permanent supportive housing
units.

>> Yeah, we believe it
would.

We've had conversations
within the housing community
about where that breakout
is.

I'm very comfortable that
8 numbers allow for
affordable housing --
permanent supportive housing
to be built within that
range, to meet that goal,
2014 will also allow it to
continue to be a part of the
process and building to
continue.

>> Thanks for all of your
efforts.

>> Martinez: I wanted to
know if you knew within that
70 plus million allocation,
I was given the anecdotal
information that 350 units

would consume probably 50 to 55 million to build those units.

I just want to know if you guys talked about that and knowing that if we did all 350 units in this bond package, there would be very little, maybe a third of that remaining for other affordable housing.

>> Right.

>> That's a good question.

The best source that I can give you on that, if you go back to your report from the phs leadership council, it talks about the funding to get to the remainder of the 350.

Whereas about 228 right now,
and if you look at the
chart, we do not expect that
the city bond would fund
100% of any units.

So the numbers are probably
correct in terms that you
have been hearing in terms
of 55 million that would be
necessary to build 350.

The go bonds are a small
part of that.

[Indiscernible]

private financing, the
package comes together,
that's the way those two
numbers come together.

>> Thank you.

>> Cole: I have a
question.

MR. McHORSE WE TALKED

About the fact that the 350
units are just until 2014.

What are -- has there been
any estimates about past
that date?

>> There have.

When the city council
requested analysis of the p
[indiscernible] need back in
late 2009 or early 2010, the
need is just slightly under
2,000.

Since that time, we as a
community have got 248 that
are in the pipeline in
process, so the need like
for most of these projects
is huge.

The idea is that -- that we would get to 2014 and we would have some infrastructure in place, some proven track records in place to be able to continue to fund and continue the success that psh does provide.

>> Cole: I know that we are only talking right now about the capital side.

One of the things that we want to make sure happens when we approve bonding for permanent supportive housing is that we are also able to secure the support services. Can you talk a little bit about some of the plans for

that.

>> Sure.

There's two components to
that.

One is the rental support
and a lot of the rental
support comes from vouchers

,

or housing authority
under the plan that we have
adopted or recommended,
rather.

So that's the -- that's
the -- the case management,
the mental health, substance
abuse is a mix.

Right now we are -- we are
very dependent upon some
1115 waiver money.

That process is still kind

of in -- in -- being defined
on the federal level, but
we're working with central
health and with the hospital
and with -- with integral
care to help design some
programs to try to pull down
some of that match money
that can then be used to
address some of these needs.

The total amount for the 350
units, the total amount on
an annual basis for the --
for the services is -- is 4
million.

So it's a manageable number
that between about 2 million
on the -- on the medicaid
waiver side and then the
other sources we have it's
very manageable.

>> So our approval of these bonds would coordinate with what central health is trying to do with this bond election as far as the permanent supportive housing is concerned?

>> I think they play well together because health care is such an important part of resolving the homeless issues, especially the chronic homelessness.

I'm not sure that I can say that medical -- [indiscernible] but it is really important because it says that we understand the importance of health care to the community and to the civility of the system and i do think that, this is just

me personally, I do think
that you will see an
increase in the ability to
provide those services if
you've got something like
the medical school here
driving the medical
community.

>> Cole: Thank you, mr.

McHORSE.

>> Thank you all.

>> Cole: Our next speaker
is spencer durant.

>> Thank you.

I want to thank you all for
your continued work on
making sure that any
affordable housing package
that moves forward does

reserve a place for low
income people in our city.

You know, as you guys take
the crucial next steps for
this, please keep in mind
that -- as we do grow and
prosper, we are actually
pricing people out of their
homes.

I get many, many phone calls
every day of people that are
not only looking for
affordable housing, but also
housing that is physically
accessible.

Something that you just
don't find in the regular
housing market.

Affordable housing and
accessible housing is kind
of the specialty of the

non-profit affordable
housing community.

And the context of this bond
package is really important
as well.

Nhcd is looking at having
40% of their home funds
slashed.

And the current city budget
as presented doesn't come in
and make nhcd whole.

So we are having to shift
money around on the local
level all the while low
income people with disables
continue to languish on long
waiting list and all that we
basically too is refuse
around to one -- do is refer

around to one another, have
you called them, have you
called them?

People are just completely
at a loss of what this he
do.

At the community development
corporation meeting, the
austin tenant's council
mentioned that a recent
survey of theirs found that
95% of all for-profit rental
housing providers don't even
accept section 8 vouchers.

It's time for the
non-profit affordable
housing development
community and also
for-profit folks that could
put down affordable units to
step in and to bridge that

gap and actually put down
some units that people can
afford.

And as a local industry,
we're ready.

We have the capacity, it's
been demonstrated in our
membership.

The need is there.

We need funding.

These funds perform in a way
that -- that not a lot of
other funding streams can.

These go bonds can be used
for sticks and bricks and
things that could actually,
you know, build and develop
housing and they can also be
used for home repair and a
lot of other things.

It's the most flexible
funding source we have.

It's been crucial.

In 2006 it was instrumental
in bringing in \$4 of outside
investment for every one
dollar in go bond.

So this is something that's
not as, you know, not just
the right thing to do, for
some of our neighbors, but
it's an economic development
activity.

And I just hope all of you
all keep that in mind as we
move forward in the next
couple of days in making a
final decision.

>> Cole: Thank you.

Edwin jordan and after that

will be will mcLeod.

Edwin Jordan.

>> Good evening, mayor, who

is missing and honorable

my name is

Ed Jordan, I'm a native

Austinite.

I grew up here, fourth

generation Texan, et cetera,

et cetera.

I am an artist.

I am speaking for Mexic-Arte

Museum.

I have been volunteering

down there for oh, 10, 15

years.

Doing everything from

fundraising to emptying

trash sacks and what have

you.

It is a building that needs

to be worked on.

It is just -- we can't use
the upper floors.

There's nothing historic
about it.

I understand there is a wall
somewhere in it that
somebody
historical.

But nobody knows where it
is.

The new building designed by
the architect is, if it to
comes to fruition, is going
to be an incredible iconic
destination place for
austin.

It's the f l of art museums
if you want to say.

I made that up.

Gets to go be wonderful, you
all have seen pictures of
it.

What else do I have to say?

I can't read my notes.

I have bad handwriting even
though I'm an artist.

It should be economically
very sound eventually for
austin because we're going
to get more tourists here.

I've had enough with
residents, we need more
tourists, people who come
and go.

I don't mean that

..

Take it as you will.

.. austin is a
fantastic place, I've lived
here all of my life.

I love it and I'm in the
same house that I grew up
in.

I have the same telephone
number my daddy got in 1913
when he came here from
fredericksburg.

So I'm not a fly by night.
I'm not going to be leaving
tomorrow without help.

So please help us support
mexic-arte.

It would be a good
investment dollar for you, i

think, in the long run.

And it's needed in austin,
that museum really needs us.

Needs money and needs more
people, you all need to come
down there more often, too.

We have wonderful shows,
wonderful programs, the
outreach to the schools is
absolutely amazing.

We didn't have anything like
that when I was at pease or
allan or austin high.

But the stream of school
children coming in through
the museum, seeing the
various exhibits is just
really, really wonderful.

We need more of that in
austin.

And I can't think of

anything else, okay.

Thank you all very much for

your time.

>> Cole: Thank you, mr.

Jordan.

>> Tovo: Can I ask one

quick economy, please.

I have a quick question for

you.

It's not related to your

testimony.

I appreciate your being here

and thank you for your

testimony about the museum.

Did I hear you say that your

telephone number is 100 --

almost 100 years old?

>> Next year.

>> That is amazing, very
interesting.

Someone should write a story
about that.

>> The jordans go to
somewhere and stay there.

They went to fredericksburg
and stayed a long, long
time, from 1846 until dad
came here in 1913, I'm here,
I have lots of family here.

>> Tovo: Very neat, thanks
again for your testimony
about the museum.

>> Thank you.

>> Cole: Thank you, mr.

Will mcleod.

Is that well, for the
record, I've had any phone
number since 1997 and v
forwarded it through
numerous carriers.

Still a san antonio area
code.

Let's see, where was I going
to say, about the pond
panel, we have \$350 million
in the previous bond
package.

It's not being spent.

How is that money going to
be spent?

Actually, I take that back,
89 million or
something like that.

We need an answer.

I urge voters not to vote
for this proposal unless all
of the previous money is
spent, preferably on
sidewalks and accessibility.

Parks are a want.

Mobility is a need.

Oh, and by the way, John
Eastman of public works told
me that there is not any
resources to finish
sidewalks.

Maybe it's time he be shown
the door.

We are 350 plus million in
bond money you do have the
resources.

Some of these projects on

the bond package need -- to
not be spent as we have
private and non-profit
entities that can help out.

Like for example mexic-arte.

Several museums rely on
donations, such as the witty
museum in san antonio.

Knowing that I oppose such
public taxpayer support.

We need our streets repaired
and more sidewalks.

Any date on exactly when are
we going to make sidewalks
on all arterial streets?

We need a deadline.

Some of the bond money could
also be used to help
[indiscernible] capital
metro bus routes operational
without a service cut.

Two of you councilmembers

serve on capital metro
board.

Please don't sell us out.

Councilmember morrison, you
saw the video, my lacking
compliance street
known as murdo circle, how
are we going to fix this
mobility problem, are we
going to fix this mobility
problem and if so when?

I would like some form of
answer tonight?

Any takers on that one?

And also someone mentioned
about housing needs.

I support a housing voucher
program.

For ssi and ssdi recipients
as well as tanf as well.

\$100 Million can give a lot of supplemental money to cover the high cost of rent versus only build 300 low income housing where who knows where they would be, what bus line they would be on if they would be on the bus line, thank you very much.

>> Mayor Leffingwell:

Frank fernandez.

>> Good evening, thank you for letting me switch places.

I want to say thank you for all of the work that you guys have been doing.

Having been part of the task force I know the task that

you have before you.

First I want to express my support for the package that you all came up with yesterday in terms of trying to balance the different competing needs because i think that I mentioned before you try to find some final agreement, you are not all going to be happy but trying to get all of these competing needs.

Second I want to also express the support for the housing, affordable housing bonds that you are proposing.

I think again it's trying to strike that right balance.

I think what we need in the

community is as I've tried
to express before, I think
some of the other speakers
expressed to you, one of the
biggest challenges is the
income inequality and asset
inequality we are seeing
that is growing, affordable
housing is one of the main
main mechanisms that
we have as a city to try to
address that.

It dictates where you live.

That really dictates what
kinds of opportunities that
you have access to.

I can't understate the
importance of the affordable
housing bonds in addressing
that particular issue.

Then the last thing that i
w encourage you all to
do, as part of this process
you guys can be
contemplating different
community based projects,
there are a lot of great
community based projects.

One of the things that we
tried to do as a task force
is really make it as apples
to apples as we could
relative to the other
projects that we were
considering, which meant
trying to run it through the
same due diligence process.

We had staff do that for us
as we were considering the
various projects that were
before us.

As you consider those projects, I would encourage you to get staff feedback on that because we did get a lot of good information that I think would be helpful in the decision making process that you guys are going through, thank you.

>> Mayor Leffingwell:

That's all of the speakers that we have, councilmember martinez?

>> Martinez: Thanks, mayor.

I assume that we're going to -- some folks are going to try to make some amendments tonight.

I'm going to go ahead and move approval on second

reading what was adopted
yesterday on first reading
but I do have two amendments
that I'm going to pitch as
well.

>> Cole: I'll second that
motion for discussion.

>> Mayor Leffingwell:

Motion by councilmember
martinez.

Seconded by mayor pro tem
cole.

And councilmember do you
want to offer your
suggestions.

>> Martinez: I will say
that we'll just follow the
same procedure that we did
during work session, just
for those in the audience,

when an amendment is
offered, I will ask if
there's any objection to
that.

If there is, we will vote on
the amendment.

If there's no objection, it
will just be incorporated.

>> Martinez: I want to be
real brief because I know
everybody has been here a
long time today.

But as frank just said as
many have said, there's a
lot of competing interests.
Not everything is going to
make it in.

But there are some that --
some of us feel like we just
need to try so we're going

to try on second and we're
going to try on third and
we're going to eventually
get to a package that we're
all going to get behind and
pass in november because
there are many good things
in here.

The ones that happen to get
left out this round we will
go right back to work in
trying to figure out a way
to support those projects
either in a subsequent bond
package down the line or
even through our general
fund if possible.

So my first amendment is
to -- by the way, these
amendments will maintain the
exact 385, I will not be

making motions to take us
above that.

So it will be to reduce the
recreation facilities line
item by 3 million, and
reduce the parks land
acquisition line item --
before I make this motion, i
need to check my figures.

By two million.

Creating a debt capacity of
5 million that I move would
be directed towards
mexic-arte museum.

>> A neutral amendment to
reduce recreational facility
by 3 million, park
acquisition by 2 million,
add 5 million for mexic-arte
museum.

Is there objection?

>> Mayor, I will not -- i

will not do a friendly
amendment -- I guess that i
will say I will not be
supporting the reduction to
the parkland acquisition.

>> Mayor Leffingwell: All
right.

So we will have a vote on
that item.

Councilmember tovo.

>> Tovo: I would like to
ask question.

I will not be supporting
this motion.

I do want to get some
information from staff.
About the recreational
facilities.

That could be included
withing that bond item.
If I'm looking at the right
line item for recreational
facilities we do have \$10
million, that takes us down
almost about a third, wonder
if you could give us some
sense of the recreational
facilities that have been
discussed by the task force,
also if you have the number
ready, if not I'll find it
in my list what the needs
assessment for this area
was.

Actually, I just found the
needs assessment.

I think the needs assessment
was somewhere in the
neighborhood of \$15 million,
I will point out to my

colleagues this was an item
that was supported at \$10
million -- \$10 million
recommendation by the task
force and a \$10 million
recommendation by the city
manager, there was no --
there was no difference in
terms of the
recommendations, they were
both consistent and -- in
their recommendation that we
needed at least 10 million
in that budget or line item.

>> Mayor council, good
evening, marty stump, parks
and recreation department,
office of cip, the line item
is intended to be a program
fund budget for aquatics
facilities, renovation
playscape, play area,

children play renovation as well as sports field and sports courts, so this is the program budget that would be applied department-wide to address the needs that we have throughout the department.

>> Can you give us some sense of the geographic scope.

These are as I understand the backup information and -- both the parks acquisition as well as the recreational facilities.

These would go city-wide in terms of filling needs.

>> That's correct, these two program budgets apply city-wide, whereas the other program under metropolitan

parks, district park, have
named projects very
specifically located.

But these particular items,
recreation facilities and
land acquisition do apply
city-wide.

>> Tovo: And land
acquisition, this is the
parks acquisition line.

>> That is correct for
parkland.

>> Can you remind me where
we started in terms of a
recommendation on that?

>> The original needs
assessment started at 7
million.

Through the work of the

committee reduced to 4
million.

There's been a lot of
discussion on the land
acquisition fund certainly
that would apply city wide
and particularly to infill
land acquisition to -- to --
in response to the work of
the urban park work group,
infill park development
needed particularly in the
urban core.

>> Tovo: So this is \$4
million of measure on the
table would cut that by 50%
down to two million?

Okay, all right, thanks,
these are -- you know, i
hate to -- I hate to
consider these issues

together.

I think -- I would like to
find some opportunities and
I know that I've got at
least one suggestion, but i
will like to find some
opportunities to find some
funding for mexic-arte
museum, but I think these
are two very important
categories of funding.

They will aid people
city-wide.

There are areas of our city
that have lots of, you know,
enormous growth in the
number of children and
families with children, some
of our older apartment
complex, these are
neighborhoods that are
exploding and they don't

have a safe park within
certainly within walking
distance, sometimes not even
any kind of close proximity,
I think these are really
important bodies of money to
preserve.

And I hope we can work
collectively to try to
identify some other funds
that might be available for
mexic-arte.

>> Cole: I also want to
support for
mexic-arte museum.

I know that it is a
wonderful board, a lot of
wonderful people pushing
this project and supporting,
I support the museum, also,

I know that you received
bond funding in 2006 and are
having some challenges with
the city and actually
getting that taken care of.

I plan on bringing a
resolution next week to help
that process.

But I am also like
councilmember tovo just torn
with not wanting to make the
cuts to the other recreation
department or to parkland
acquisition.

>> Mayor Leffingwell:
Councilmember martinez.

>> Morrison: I just wants
to briefly --

>> Martinez: I want to
briefly state why I have
chosen these line items

because that's critical at
well.

The \$10 million is really
for what I believe is
ongoing o and m, so we
should be fundness it out of
our budget not out of bonds
because it is repair and
upgrades, maintenance, would
he do this in bond package,
I'm not being critical, we
have to take care of our
facilities as well.

But we continue down this
habit of funding o and m
costs through bonds and i
believe and I think many
folks would agree that's
really not what bonds are
intended for.

The other, parks acquisition space, again, no specific identified acquisition is denied by reducing this fund and it doesn't mean we can't make up other acquisitions through cos, which is something we normally do on a regular basis when an opportunity comes up.

That's the only reason that I identified these two as areas where we could create a little bit of debt capacity.

Signal just let me say assuming that's true, that this is \$10 million for o and m, I agree with councilmember martinez, i don't think that's the purpose of bonds.

I realize there's a great

need there, number one.

And number two, if there are not identified tracks to be bought, as something presents itself, to do that in the future, I would just add -- probably it would have to be a great opportunity for me to support acquisition of additional parkland given the fact that we're not doing a good job of taking care of what we have right now.

I think that should be the first priority in the budget.

Taking care of the property that we have right now.

Councilmember morrison?

>> Morrison: Yeah, I just want to chime in briefly. I think that it's important to keep in mind that we as a council have adopted a -- a park resolution, a parkland resolution that said that we want everyone within the central area to be within a quarter of a mile and everyone within -- anywhere in austin to be within a half mile of a park.

So I think that that sort of act sent waits the need -- accentuates the need because it is working towards a policy.

I also would like to, I'm a little concerned about having this suggestion we're using bond funds for o and

m.

I wonder maybe mr. trimble.

I know that maybe sometimes

there's difficult lines to

draw, I wonder if you could

just comment on that, mr.

Trimble.

>> Mike trimble, capital

planning officer.

So my understanding, as a

matter of fact I was just

talking to marty about this,

is that improvement that are

contemplated under the

recreational facilities

program are a little more

extensive than the typical

repairs that you could do

under your operating budget.

These are more extensive

renov to the pools,
play scapes, some of the
other items than what marty
was mentioning, I think
that's important to note.

Yeah, we would definitely be
using capital dollars to
work for capital needs.

>> Mayor Leffingwell: And
I just have to respond to
the previous comment about
the council resolution.

I'm certainly aware of that,
I supported it at the time.
I still support I however
there's no time table
affixed to that, I think we
have to slow that process
down a bit until we are able
to take care of what we
have, which we are not able
to do right now.

Any other comments before we
vote.

>> Martinez: I just wants
to affirm that it is o and m
expenditures, they may be
extensive.

You can add the word
extensive to the end of it,
but it's still repair and
upgrades of existing
facilities.

That's my whole point of
this.

With making this statement.

I realize that we have
needs.

I get it, marty.

I know that you need way

more than 10 million bucks.

But again, we're trying to squeeze everything we possibly can into this envelope and I'm just trying to get creative.

>> Understood.

To echo what mike said, in terms of playscape, you know, this is wholesale replacement of existing facilities.

We have equipment that is aging, non-compliant, not in keeping with new and innovative philosophy and design in play scapes, this isn't a coat of paint, isn't replacements of nuts and bolts, wholesale replacements of entire play environment, I did want to reiterate that.

>> Mayor Leffingwell: So
all in favor of
incorporating the amendment
say aye.

>> Aye.

>> Opposed say no.

>> [Indiscernible]

>> motion fails on a vote of
3-3 with -- with
councilmember tovo,
councilmember morrison and
mayor pro tem cole votin
no.

>> Martinez: All right.

The second one is to take
the exact same two lines,
since we wouldn't allocate
them to mexic-arte and we
7 instead of 5

million, I guess, keep the
land acquisition at 2.3.

7 and apply

it to the acquisition and
design of the fire station
on 360, which I believe is
also sorely needed.

>> Mayor Leffingwell:

Could you give me your
downs, your minuses.

>> 3 Million on rec

facility, 2 point, what

7 on land

acquisition.

>> Mayor Leffingwell: For

the fire station?

>> Martinez: Correct.

>> Mayor Leffingwell: 360

area.

Anyone object to that?

>> Tovo: Yeah.

>> Mayor Leffingwell:

Councilmember morrison
objects.

So councilmember tovo.

>> Tovo: I want to see us
fund the fire station or the
land acquisition and design,
I want us to get some money
pegged for mexic-arte as a
priority program.

I'm trying to use the
language that we've
discussed.

I would like us to do it
outside of these two line
items, which are really
critical.

You know, we're talking

about I mean these may sound like extras, but when we've got facilities throughout our city, our parks facilities, and we receive, you know, regular feedback from our citizens that they are in disrepair, they need substantial work, we are also being asked, I'm always being asked by the public why are we not maintaining and keeping up with some of our city facilities within the parks department.

We often bemoan the lack of money available in our parks budget, we have the opportunity here to give them a little boost.

I think that it's critical.

We are also, you know, again taking a third of one budget

and a substantial portion of
another one.

I'm going to make an
amendment a little bit later
that I'll just mention now
that we take some funding
out of the design of new
projects line item to
partially fund some of the
fire station land
acquisition and design and
also some money that would
leave over some money for
mexic-arte and also that we
move some money from the
barton springs bath house to
fund the remainder of the
fire station.

I'll give you my rationale
later.

But I'm going to vote

against this motion that is
because I believe we can
find funding for the fire
station land acquisition and
design and some funding for
mexic-arte from different
line items, I think that we
need to preserve these
programs.

Again the money in these
line items they serve people
throughout our city, many of
whom really need the kind of
programs and opportunities
they get through our
neighborhood parks.

Through our parks
recreational facilities.

>> Mayor Leffingwell:

Okay.

In favor?

Chris riley.

>> Riley: I will say I'm not going to be supporting this item.

As we discussed the other day I'm very aware of the fire risk that we face, we've had extensive discussions about the creation of a while land division through our regular budget process.

I'm committed to pursuing that goal and getting a wild land division in place as part of a budget process.

But I think that's -- that should be a first priority before establishing that -- that the fire station on 360, so I will -- I'll be, i won't be supporting this item.

>> Mayor Leffingwell: In
favor, say aye.

>> Aye.

>> Mayor Leffingwell:

Opposed say no.

>> No.

>> Mayor Leffingwell:

Fails on a vote of 2-4, with
councilmember riley, tovo,
morrison, mayor pro tem cole
voting no.

Anything else?

Councilmember morrison?

>> Morrison: Thank you,
mayor, I am also very
interested in finding
funding for both the fire
station and mexic-arte
museum but as I mentioned
before, I'm also looking to
bring a little bit more

balance back in from the
task force and I try -- from
the task force
recommendations and at 400
million and how it
differs.

And I tried to really narrow
down the ones that -- that a
couple of million dollars in
adjustments that I would
like to focus on.

And the first one is the --
is the item for neighborhood
parks.

Ment because neighborhood
parks was -- is at only as
it stands right now 20% of
its needs assessment.

It's at \$3 million.

And it was -- its needs

assessment was 15 million to start.

So I'll get to where it's coming from in a minute.

I would like to add a million dollars there.

The second one that I would like to add a million dollars to is the neighborhood plan parks projects.

We heard a little bit about that this afternoon or earlier today when we were talking about the dove springs rec center because that's one of the items that will be contemplated was within that buck of money.

Bucket of money.

One of the reasons that this line item I feel is so important and at this point it's only funded at a -- at a one third of its needs assessment is because these are items that came out of the neighborhood plan.

This is the first time we have the opportunity to fund in our bond package ideas that came out of the neighborhood plans because that wasn't done in 2006.

And it was sort of -- but in fact neighborhood plans were created in part to help inform that.

So I would like to add another million dollars to the neighborhood plans parks to make it \$8 million.

So where can the money come from?

Well, we all know
arnold, mary arnold who
has been talking to us about
the bridge, the bridge at
red bud, she sent me
additional information which
I started studying which got
me very concerned about
moving forward even thinking
about design at this point.

Because she -- she dug
through, you know, she's an
amazing researcher.

She dug through and i
believe that we have really
not done due diligence to
even be thinking about
replacing a bridge yet.

She mentions the 2025 austin
metropolitan area
transportation plan, that
replacing the bridge would
likely be inconsistent with.

It's listed as an existing
minor two lane arterial with
a high vital sensitivity
rating and there are no
changes shown between now
and 2025.

It's -- there's also a
recommendation about
ensuring compliance with
u.s. fish and wildlife.

There are no changes for the
bridge shown in the 2035
campo plan.

It appears, you know, she's

very familiar with the
brackenridge development
agreement, it appears that
this would require
negotiation with the
university of texas.

Which I don't think that was
done yet.

Interestingly, the -- let me
see if I can find it.

Interestingly, the
waterfront overlay district
and subdistrict development
regulations actually also
address regulations for
public rights of way that
come into play here, which
is interesting.

It says in fact that they
need to be any public rights
of way adjustments need to

be done, they must be
compatible with the
development of adjacent
parkland and consistent with
the town lake park plan.

So -- so to me, we don't
have it in any of our plans,
it's been foreseen that it
would be existing and stay
there.

It appears that it needs to
be compatible with several
things and we would need to
negotiate with folks.

So my sense is that we have
got the cart way ahead of
the horse as they say, i
arnold for
the historic knowledge that
she has.

What I would like to suggest, it also mentions in the town lake plan, I should mention, that -- that -- that we need to get recommendations from the parks and rec board and all sorts of other boards.

What I would like to suggest is that we really scale back the funding right here and really --, allocate half a million with the understanding that it's a very, very early step where we're just going to have to begin to figure out what we're even doing, because this is way beyond anything foreseen in any of the plans that we have.

My motion is to -- to reduce the shelton bridge from 3

million to .5 million.

To add one million to the
neighborhood plan.

To add one million to the
neighborhood parks
improvements project.

That's two million and then
to add a half a million to
start some allocations
towards mexic-arte.

>> Mayor Leffingwell:

What's the reduction on the
bridge project.

5, Then the addition,
leaves the half a million to
do just initial outreach and
investigation.

It's adding a million to
neighborhood parks, adding a
million to neighborhood

planned parks and then
mexic-arte.

For half a million.

>> Mayor Leffingwell:

First of all, I will object
to that.

It's my understanding during
the briefing that we got the
other day that one of the
reasons for upgrading this
bridge was increased
traffic, number one, and
also increased heavy truck
traffic going from the water
plant back towards city area
and that to me that might
present a safety issue.

So I -- so I -- again, i
think that it's a high

priority project.

We've already reduced it
once.

By quite a bit.

And to -- down to the
minimum or start the design
process.

So I won't be supporting it.

Councilmember riley.

>> Riley: Mayor, I would
like to ask a question or
tw lazarus.

I know that we talked about
this at the work session.

Can you remind us about the
condition of this bridge
compared with other bridges
in the austin area?

>> Howard lazarus public
works department.

There are 425 bridges rated
within the city data that
are the city's
responsibility.
426 Are rated as good or
better.

The one that is rated as
fair is the Shelton bridge.
The bridge is beyond its
useful design life.

In 2008 I'm sorry 1998 there
was a program to upgrade it --
project to upgrade it with
the intent of getting about
10 more years out of it.

That was four years ago.

The bridge was built in
1940s, it wasn't built to
the design standards

necessary for the current
traffic.

The current loading.

So --

>> Riley: If I could.

>> The bring as it stands
now is funct
obsolete.

Doesn't serve its purpose.

In addition to ongoing
structural concerns there
are issues with safety, not
only with vehicles but also
with pedestrians and
bicyclists who use the
bridge.

>> Howard, we know we don't have a fully developed plan at this point.

We haven't worked with all of the partners that councilmember morrison mentioned, we haven't integrated any improvements into the campo 2035 plan.

We know that we are some distance from actually being ready to move forward with construction of a new bridge.

So what would be wrong with just setting aside half a million to do preliminary planning with the expectation that that would keep the process moving forward and we would be able to do additional planning

and design in the future,
why -- why -- what would we
be getting with 3 million
that we couldn't get for
just half a million?

>> We're at the stage where
there's a preliminary design
that was done and that is
the design that raises the
bridge out of the level of
the floodplain.

It does require a new
in
order to proceed now to a
bring that would be both
functional and acceptable to
the community, we are going
to have to engage with
outside consultants and pay
for internal staff time.

Because you know the public

works department gets no
general fund dollars.

So the only way we can move
forward with this project is
to have a way to staff to
manage and be involved with
the design.

It's our estimate at this
point that providing \$3
million to proceed will give
us enough of a -- of --
money to get through any
environmental work that we
have to do, any outreach
work that we have to do and
as well as engaging any
outside resources to start
along the design path.

I think that will cost more
than half a million.

The 3 million was an estimate of about 20% of the total project costs so that we could get through the process to where we could move through and be able to proceed in a reasonably timely manner, given that we know that it's going to take a long time to get through those stages, so that's our best guess right now as to what it will take us to get through all of the up front work and design work that we need to do.

>> Riley: Okay, thanks, howard.

[One moment please for change in captioners]

>> it's a city-owned bridge,

so we're responsible for it.

It's hard to say right now
when we have projects in the
works.

There are probably some
residual funds and some
other bond programs, but i
can't guarantee what those
are, or state what they are.

As projects come in and they
finish, there's always --
you could call it the change
that falls between the
cushions of the couch kind
of, but I don't know how
much that is and can't
really project.

I think what I do want to
state is that it's better to
proceed with the plans to
design and replace the
bridge before it becomes an

emergency and that we can do it in a more structured, rational approach, and not have to prematurely close or restrict traffic on the bridge.

>> Tovo: I think certainly

I would agree that we don't want it to get to an emergency situation, but it does sound like there's a fair amount of planning and design that would need to take place.

And I would just say that 500,000 would at least allow that to begin.

And it seems to me this would certainly be a project eligible for funding in a future transportation bond.

Would you say that's true,
that this project could be
rolled into a future
transportation bond?

>> I think it's eligible as
a capital expense for any
bond program.

>> Tovo: Okay.

Thank you.

>> Cole: Mayor?

>> Mayor Leffingwell: I
don't want to put words in
your mouth, but did you just
say this is the worst bridge
in the city?

>> It's the only bridge in
the city that's not rated as
good or better.

>> Cole: Mayor?

>> Mayor Leffingwell:

And -- okay.

Mayor pro tem cole.

>> Cole: I just had a
has
wreath because I know when i
use this bridge mainly the
reason I'm using it is
because I'm trying to head
to the lake.

So I want you to give us
some feel for the amount of
austinites that might work
downtown and actually -- or
in east austin and actually
live in west austin or
westlake and would be
crossing this bridge.

>> All I can tell you is
we've done traffic counts
and there are 12,000
crossings a day.

There are people who

access -- who live in austin
in the west part of the city
who use the bridge for
access, but there's really
no way for me to give you a
factual number of how many
of those crossings are by
people who live within the
city.

>> Cole: Well, let's talk
about the estimate that you
did.

You said you did a traffic
count of 12,000.

Can you tell me how that
works?

Is that per day, twice a
day?

>> That's per day.

>> Cole: 12,000 Per day.

And that's ingress and
e-cigarettes over the bridge
or is that just one way.

>> That's crossing, so both
ways.

>> Cole: Crossing both
ways.

Okay.

Thank you, mayor.

I will just say that I don't
know if I highly respect
mary arnold and I know a lot
about her research and
ability, but I'm very
concerned that we don't
create a safety hazard.

And for citizens who live

outside of austin and, of
course, citizens who live
inside of austin -- and i
know I cross that bridge
frequently when my kids were
young to go to westlake
beach.

So I will not be supporting
this motion.

>> Mayor Leffingwell: Any
other comments?

All those in favor of the
proposed amendment say aye?

Opposed say no.

It fails on a vote of
two-four with councilmember
riley, martinez, myself,
mayor pro tem cole voting
no.

Councilmember tovo.

>> Tovo: I wanted to
propose an amendment to move
funding -- I might need
staff to verify that I'm
using the last batch of
numbers.

trimble, can you confirm
that we currently have in
the proposed bond package
\$5 million allocated under
the category of design for
new projects?

Is that still the figure
we're working with?

>> You actually are working
with the figure of four
million.

>> Tovo: Okay.

>> Mayor Leffingwell: Four
million for what?

>> For design of new projects.

>> Mayor Leffingwell:
Transportation projects?

>> Tovo: No, that's under public works.

>> It's in the transportation.

It's in the transportation.

>> Tovo: I'd like to propose that we move 5 million of that for -- into one million for 5 allocated for the fire -- for land acquisition -- toward land acquisition and design for the fire station.

I know that doesn't get us
7, but I will get
closer on a subsequent
amendment if this one is
successful.

So that is doesn't for new
projects and it is a total
of four million dollars.

I'm proposing reducing that
to 3.5 million.

That still allows some of
the south lamar improvements
to happen, and I think that
is a high priority.

I would suggest that one
million be allocated to
5 to
the fire station land
acquisition and design.

>> Mayor Leffingwell: So
that's reducing
transportation projects for
design by three and a half
million, adding one million
to mexicarte, two and a half
million to the 360 fire
station.

To testify yes.

And I think we've heard from
colleagues about both of
those projects, so I won't
really add to that at this
point.

>> Mayor Leffingwell: And
I'll object to that.

We discussed transportation
and in my opinion it's the
most important problem that
we have, the most dire
problem we have in the city.

I'm not going to support
reducing transportation by
three and a half million.

It's very important that we
continue to make progress
and have projects ready to
go that are designed and
engineered when funds become
available.

And I don't think one
million is going to help
mexicarte or fix that
situation.

And although I'd like to
find some funding for the
fire station near 360, i
think that can wait a little
while since no land is yet
identified, but I do again
join councilmember martinez
in supporting establishment

of wild lands fire division
in the budget.

So I'll object to that.

Any other comments?

>> Martinez: Mayor, the
only comment I'll make is
what I think I heard
councilmember tovo say is
this is a motion, but it's
somewhat coupled to a
subsequent motion because
she said she's going to try
a second motion to allocate
each more money.

And I really can't support
this not knowing what that
subsequent motion is.

>> Tovo: I'll be glad to
talk about that next one if
you'd like.

And I would just say with regard to the amount for mexicarte, the taskforce recommended one million, so I fully understand that's not what we're hearing from community members they would like to see in this bond proposal, it's closer to five million, but taskforce recommendation is one, and we may find some other funding along the way that we could couple that with.

But one million is a good start when you're starting at zero, which is what we have right now discussed in the bond proposal.

And again I understand that 7, which is what would be required for a fire station, but two may

allow part of that to
happen.

In fact, I believe we talked
earlier that land
acquisition might be about
half of that, is that
correct?

I mean, two million would
get us somewhere down the
road on that.

>> Councilmember tovo,
robert orr, assistant chief.
The land acquisition itself
would be about 2.2.

>> Tovo: So we're not
fully there, but it's a
help.

The second amendment I'm

going to propose is that we
move the two million dollars
we discussed yesterday, and
that was voted on yesterday
for the barton springs
bathhouse, to the fire
station land acquisition and
design.

And these are really tough
discussions.

And I just want to say I am
a fan of barton springs.

I think it's going to be
terrific to have some
improvements out there.

But we did get a
recommendation from the
staff suggesting that -- and
we know that it wasn't --
that the taskforce worked

through that recommendation.

It wasn't one of their
highest priorities.

All of these are good
projects.

All of these needs are
important.

But some rise higher than
others, and I do think while
transportation is a pressing
issue and it is among those
that are critical to quality
of life here in austin, i
also hear from lots of
citizens that they are
concerned about fire and
especially in either that
mr. nix talked about.

So I think there is -- if we
can manage it in this bond

proposal, I think allocating
some funds for land
acquisition and design make
sense, and for me that does
rise to a higher level of
importance than the springs
bathhouse right now.

I wish it were different,
that we had money enough for
all of these projects, but
that's what I'm going to
propose, that we move money
5 for
the design of new projects
into fire station land
acquisition and design, and
also to mexicarte, and then
the second motion I'm going
to make is to move the money
from the barton springs
bathhouse into land
acquisition and design.

>> Mayor Leffingwell: You just made a motion to reduce transportation design projects by three and a half million, zero out the barton springs bathhouse, reduce that to zero, reducing two million.

And adding one million to mexicarte and four and a half million to the fire station.

Total, four and a half.

>> Cole: Mayor, can you do that one more time?

>> Mayor Leffingwell:
Reducing transportation design projects by three and a half million.

Reducing the barton springs
bathhouse by two million for
a total reduction of five
and a half million.

Increasing mexicarte to one
million.

And increasing the fire
station by four and a half
million for a total of five
and a half million.

And I object to that.

Councilmember riley.

>> Riley: Mayor, as i
mentioned before, it's a
item on design of new
projects is particularly
important currently, in the
current environment we face.

And we've seen again and
again in campo funds --
federal funds have become

available through the state
that have a short time frame
and they are only available
for projects that are
designed and ready to go.

And if we don't have the
projects that are designed
and ready to go for that
federal funding, we are
going to miss out on the --
on very scarce federal
funding.

And we all know that we have
very serious transportation
needs in Austin.

And I fear that cutting back
on this design new projects
item would really undermine
our ability to respond to
the transportation needs
that we have.

So I'm not going to be able

to support the item.

>> Mayor Leffingwell:

Councilmember, I'm glad you mentioned that because we have a concrete example.

Just a couple of months ago we found out that we will have with this area about two hundred million dollars stp, the funds for a shovel ready project.

There was only one -- there was only one, and we were able to take advantage of that.

If it hadn't been shovel ready, that two hundred million dollars would have gone to the dallas area.

>> Cole: Thank you, mayor.

>> Mayor Leffingwell:

Mayor pro tem.

>> Cole: I sit on campo
with you and you actually
appointed me to the
committee that negotiated
that stmp project with the
rma.

So -- did I say that right,
chris?

>> Mayor Leffingwell:
Stpmm.

>> Cole: It's late.

Yeah.

And at any rate, so I will
not be supporting this
motion to take the funding
from the design for new
projects, but I would like
to offer a substitute motion.

>> Mayor Leffingwell:

That's not the word -- we're
doing amendments right now.

You will have an opportunity
later.

We've got to vote on this
one first.

Councilmember morrison.

>> Morrison: Thank you.

I just want to comment that
I am going to support this.
I think clearly as much as
money as we can have to
leverage as much as we can,
that's an important thing,
but to put together
something that would work to
actually get us -- get us on
the road to a fire station,
that is a significant step

that I think really
outweighs then the
opportunity -- obviously
we'll be keeping our eyes
open to all sorts of
opportunity, but to be able
to take that concrete step i
think is really significant.

And as councilmember tovo
mentioned, to be able to at
least show some support for
mexicarte is also important.

>> Mayor Leffingwell: All
in favor of that say aye?
Opposed say no.

That fails on a vote of
two-four.

Councilmember riley,
martinez, myself and mayor
pro tem cole voting no.

Mayor pro tem cole.

>> Cole: I would like to
make an amendment that we
take one million dollars
from the barton springs
bathhouse and allocate that
one million to mexicarte in
accordance with the
taskforce recommendation to
mexicarte, and given that we
gave the bathhouse two
million additional.

So minus one million on the
barton springs bathhouse --
I'm going to object to that
because then you probably
can't do either one of those
projects, so I'll just vote
no.

Any other comments?

Councilmember tovo?

>> Tovo: I'm going to

support it.

It's clear for one million

dollars-- I don't think

anybody is contemplating

that one million dollars is

going to get a fully funded,

brand new-- I think I'll

stop there.

One million dollars is seed

money for these

organizations and I respect

the taskforce's proposal.

And I think that this is a

good balancing of their

recommendation with some of

the needs we've heard from

the community.

So I will be supporting that
shift in funding.

>> Any other comments?

All in favor say aye?

Opposed say no.

That fails on a vote of
three-three, with
councilmember riley,
martinez and myself voting
no.

Councilmember morrison.

There's endless possibility
of combinations.

>> Morrison: There are
many permutations on this.

I don't know if this will
shift anybody's thinking one
way or the other, but this
would be the concern that
one million wouldn't get us
anywhere for the bath house
and concerns about what it

would mean for mexicarte.

My amendment that I'm just going to throw out here is to move the two million from barton springs bath house to land acquisition for fire and fire house.

And we know that's not quite enough, but hopefully it's something that we would be able to fill in.

So that's my motion.

>> Mayor Leffingwell: So zeroing out the bath house, minus two million on the bath house and plus two million on the 360 fusion.

I object.

360 Fire station.

I object.

Any other comments?

I just think that the bath house is a high priority for me and for a lot of other people.

All in favor of that proposal say aye.

Opposed say no.

It fails on a vote of four-two with councilmember riley, myself, martinez, mayor pro tem cole voting no.

Councilmember martinez.

>> Martinez: All right.

One last stab.

[Laughter].

So let me line out the
rationale for 30 seconds.

So we all agree that we need
to do something about
protecting our citizens in
the western part of the
city, and the dangers that
we face.

But we also have 30 million
additional dollars in open
space acquisition coupled
with the millions and
millions we've already spent
on open space, many of which
is in the western part of
our town.

So the rationale is we have
to protect that as well.

If we create a wild land
management division within
the department that's that
much more protection, but
you will need a station and
firefighters out there.

So I'm going to propose that
we reduce the 30 million
open space fund by
7 million, and apply it
to a fire station that's
going to protect that open
space and those firefighters
that will protect that open
space.

I believe there's some
rationale for that.

Why do we keep spending tens
and hundreds of millions on

open space, but not
investing in the people and
equipment that we need to
maintain and protect it?

>> Mayor Leffingwell:
Councilmember Riley.

>> Riley: I just have a
question about that.
I'm not familiar with the
service area for fire
stations as my colleague, so
I just wanted to get -- see
if he can provide any
insights about that.

My impression is that the
open space lands that we
would be likely to acquire
with that \$30 million are
not exactly that close to
the location that we've
talked about for the 360

fire station.

And in fact, I would imagine that there may well be other fire stations that are located much closer that would be serving those open space areas.

So could I ask you to address that?

>> Martinez: Yeah.

I think my rationale is that we already have open space and protected lands in that area of 360, 2222, bcp lands, other lands that we protect, and we have partnering agreements with other fire departments.

But as we continue to annex and as the city continues to grow we will have to provide

that service as opposed to mutual aid agreements.

And so if we're going to continue investing in open space acquisitions, I think we should at least take a portion of that and invest in protection of that open space.

>> Riley: Mayor, if I may respond.

I absolute agree that we need to be very conscious about the need to protect the open spaces that we already have and that we may be acquiring.

And I think that's the reason why we need to get serious about establishing a

wild land division within
the fire department.

And that is -- I think that
would be a more effective
way to provide protection
over a wide area of open
space.

And to provide a great
degree of protection from
wildfires.

So I think that's where our
first priority ought to be
in terms of dealing with the
wildfire threat as opposed
to taking steps to establish
one fire station on 360.

>> Cole: Mayor?

>> Mayor Leffingwell: I
haven't heard objections.

Is that an objection?

That's an objection.

Okay.

Mayor pro tem?

>> Cole: I certainly appreciate the need to protect our citizens in west austin, but I also recognize that we just issued co's for a helicopter to help with wildfires.

And I know this is not enough and it doesn't answer all the needs that could be provided by a fire station, but I think with this package we are taking balanced, incremental steps

to keep the city on track.

So I will not be supporting
this motion.

>> Mayor Leffingwell:

Well, I feel really bad
because now I'm going to be
forced four times to vote
against the 360 fire
station.

>> Martinez: I don't think
you will have to vote.

I didn't get a second.

>> Mayor Leffingwell: You

don't need a second.

This is a special procedure
that we're using.

>> Martinez: Then let's

just pass it without voting?

[Laughter].

>> Mayor Leffingwell:

Councilmember!

I just want to give my

reasons for this.

Open space acquisition has

long been a priority in bond

packages.

It has just a long a

history, longer history than

affordable housing.

And I just want to give you

a couple of comparisons.

In 2006 the last bond

package affordable housing

housing was 55 million.

You can do the percentages

for yourself.

It sounds like that's about

eight percent, though.

Something like that.

That was out of 567 million.

In 2006 open space was
\$50 million out of that same
567.

This year in 2012 we're now
at \$77 million for
affordable housing out of
385 million, which is about
20%.

Open space on the other hand
is 30.

So it has not kept pace
proportionately.

And to take it one step
further, where we normally
have -- where we have been
acquiring open space is in

the barton springs zone,
which is a long ways from
the 360 fire station.

I do know -- not identifying
anything, but I do know
there are very attractive
opportunities that are going
to be available to us that
have already -- those
opportunities have been
diminished by reducing from
44 down to 30, reducing it
another five million dollars
almost is going to make them
further and further out of
reach since they're really
great opportunities.

So I will not be supporting
this either.

Councilmember morrison.

>> Morrison: Yeah, I agree
with you completely.

And I appreciate your run
down of the history and the
importance of it and I think
it's actually growing in
importance as we move into
the future because there's
less open space to acquire.

So now's not the time to cut
back on it, but I do want to
tip my hat to councilmember
martinez for coming up with
a creative connection and
suggestion.

[Laughter].

>> Mayor Leffingwell: All
right.

So no more comments, we'll
vote on this proposal.

In favor say aye.

>> Aye!

[Laughter].

>> Mayor Leffingwell:

Opposed say no.

And that fails on a vote of
two-four with councilmember
tovo, myself, councilmember
morrison, mayor pro tem
voting no.

Oh, you voted no also?

Okay.

So it fails on a vote of
1-5.

And add councilmember riley
to the list of no's.

So seeing that there are no
more amendments to be
offered and so we have a

motion on the table to pass
essentially the version that
we passed yesterday on
second and third readings.

All in favor say aye.

>> Cole: Mayor, I have a
comment.

>> Mayor Leffingwell:

Opposed say no?

So it passes on second
reading only --

>> Cole: Wait a minute.

Oh, man, I was going to make
a motion to do it on all
three.

>> Mayor Leffingwell:

Well, we've already done
one.

This is on second and third,
but since we didn't get five
votes we can't do that.

We got four votes with
councilmember tovo and
morrison voting no.

So we have third reading to
go.

That means we'll have our
special -- another special
meeting tomorrow at two p.m.

>> Riley: For those of you
who are interested, will
public input be allowed at
the meeting tomorrow?

>> Mayor Leffingwell: I'm
going to say it is not a
public hearing.

It is kind of ironic that

when we don't have a public hearing we had more public input than we do at a public hearing, but -- because there's no public hearing to close.

So I'm going to suggest that we limit comment to 30 minutes tomorrow and if we can do that.

Hopefully we can address it in a fairly quick manner.

Mayor pro tem cole.

>> Cole: I would like to make a motion to reconsider to simply discuss whether we can go on second and third.

I know we have voted already, but I would just like to make a plea that we

consider that and in light
of the amendments that we
made tonight or if we want
to take a recess and come
back to make -- to have more
discussion about amendments
as opposed to having to come
back tomorrow.

>> Mayor Leffingwell:

Well, you did vote on the
prevailing side, so
technically it's legal for
you to make a motion to
reconsider.

Is there a second to the
motion to reconsider?

Is there a second to the
motion to reconsider?

That motion dies for lack of
a second.

So we will see you tomorrow.

That brings us to our zoning cases.

Mr. guernsey.

We'll hear items 71 and 72 together.

>> Let me introduce them.

Item 71 is case
npa-2012-0013.01.

This is a property located
at 603 west johanna street
located in the bouldin creek
neighborhood planning area.

This is an amendment to
their future land use map to
go to a mixed use land use
designation.

The planning commission's
recommendation was to deny
the mixed land use

designation.

The related zoning case is
item number 72, case
c-14-2012-0021, again for
the same property at 603
west johanna street.

This is a rezoning request
to neighborhood office mixed
use neighborhood plan or
no-mu-np combining district
zoning.

The planning commission's
recommendation was to deny
the rezoning request to
no-mu-np.

The property itself is only
about 723 square feet and it
is the rear portion of an
existing single-family lot.

There's an existing home on
front.

There's an existing
restaurant which is polvo's
to the east.

Another restaurant to the
north and commercial zoning.

And to the south is another
gr -- lr zoned piece of land
where the parking lot is
proposed.

That would actually connect
to the restaurant.

Properties to the west are
zoned residential and
developed with single-family
homes.

Staff did not recommend the
neighborhood plan amendment,
nor the zoning change.

It's not supported by the

neighborhood planning
contact team.

The request is only for a
very small portion.

As you can see on the aerial
photo, that would just link
the tract to the south,
which is the parking lot to
the existing restaurant.

I did speak to the attorney
represent the owner this
evening.

He indicated to me that he
would not be here, nor would
phil moncada, the agent for
the owner.

If you have any questions
for staff, I'll be happy to
answer them, I believe.

You have at least three

people from the neighborhood
that are here this evening
to speak in opposition to
the request.

>> Mayor Leffingwell:
Councilmember morrison.

>> Morrison: guernsey,
did I hear you say earlier
that there was a reason
given that he said he was
leaving?

>> Earlier this evening
moncada indicated to me
that it was because of legal
counsel he was advised not
to.

>> Morrison: And do you
have any contact --

>> actually, not to stay,
but to postpone the request.

>> Morrison: And there's

no contacts beyond that.

It was just those words.

You don't know what kind of
legal?

>> No.

aaron

terrier this evening who is
representing the owner, he
indicated to me that both he
phil moncada would
not be present this evening.

>> Morrison: Okay.

Thank you.

>> I would rather just stop
at that point.

>> Morrison: Right.

>> Mayor Leffingwell:

Okay.

There's no one to speak, no
one here to speak for
applicant.

There are no speakers signed
up in favor.

So we'll go to -- we'll go
to those signed up against.

The first speaker is cindy
collins.

Cindy collins.

Mark casscart.

Not here --

>> he's here.

>> Mayor Leffingwell: Gary
hyatt.

>> Tovo: Mayor, I think
there's been some
discussion --

>> Mayor Leffingwell: I'm

just calling names.

It's a public hearing.

I have to call the names.

>> Tovo: Got it.

>> Mayor Leffingwell:

Bradford patterson.

So there's no one here to

speak against.

>> I'm here, sir,.

I spoke earlier.

>> Mayor Leffingwell:

Okay.

When we spoke earlier, we

were talking only about the

merits of the postponement.

>> Yes, sir.

>> Mayor Leffingwell: Now

you can talk about the

merits of the case if you
would like.

And you have three minutes.

>> Okay.

I have -- if you can put it
up.

>> Where's gary hyatt.

>> He donated time.

>> Mayor Leffingwell: So
you have six minutes.

>> Okay.

Not to address the legal
issues.

I thought I would give you a
visual representation of why
this is not about the
parking on the street.

So if you could go to the
second slide, it's about the

systematic parking

extension.

Restaurant.

It's about them being fair,

legal and a good neighbor,

none of which they are.

And it's about the city's

inability to take any

meaningful action to correct

it.

Next slide.

So I have a series of

pictures.

What you can see from this

is taken from google street

view today.

You can actually walk down

this online.

What you can see on the
left-hand side of this
picture is a load of empty
spaces in the polvo's
parking lot.

What you can see down the
600 and 700 block of west
johanne ha in a is all the
public parking taken.

The restaurant do need this
parking, but it won't affect
the 6 and 700 blocks of west
johanna.

We have la mexicana bakery,
bouldin creek bakery shop.

We have a pizzeria operating
out of a trailer.

This is the restaurant
trying to get more
preferential parking for
their customers.

It's not about the street
parking.

I didn't move in next to a
restaurant with an empty
lot.

I moved in to a double
fenced, tree-lined house
that was between mine and
the restaurant.

Next slide.

What you can see here, this
was taken in 2006.

What you can see here is the
backyard of 063 west
johanna, which is full of
trees.

There were two buildings
behind that.

It was all double fenced

off.

Next slide, please.

This is what it looks like
today.

They've done this without
any approval, any
application.

It's been like this for two
years.

It's a complete strip mall.

It exceeds impervious cover.

They use it for commercial
parking.

Next slide.

Whatever they put on the
planning application, this
is what they will do.

This is taken from my

bedroom window.

Whatever they put on the
application they will put
more tables and seats in.

Next slide, please.

You can see that at the
moment they put chairs in
for people to climb over the
fence.

You can see people there.

The ones that won't climb
over the fence walk through
a residential driveway that
isn't fenced off from my
driveway.

I've sat on my front porch
and I have to put up with
that.

Next slide, please.

You can see here taken in

march the parking, the roof
on the right-hand side is my
master bedroom.

This is what happens device
twice a week before 7:30.

They reverse a laundry truck
down through that whole lot
with the beeping noise into
an sf-3 property.

They unload laundry.

They do deliveries in a
residential sf-3 lot.

This is simply not about the
parking.

If you were to approve this,
all this behavior will
continue and get worse.

And you are letting them

drive cars within 30 feet of
my master bedroom and living
room.

Next slide.

These are the things that
I've given up complaining
about.

Right?

In this picture you can see
they're washing grills in
the backyard of the
restaurant -- from the
restaurant in the backward
of an sf-3 house.

It drains down the driveway,
into the street and goes
straight into town lake.

I've given up complaining
about this.

I've tried to be tolerant of
their behavior.

I've given them some

latitude.

Next slide.

This is it going down the

gutters into town lake.

Next slide.

So my request to you is both

reject this, please, and

find a way to get staff to

get that residential lot

fenced off, separated, not

used for commercial storage,

not used for commercial

access, not used to pollute

town lake and so on.

So I really -- I really find

myself, you know, I've

submitted endless 311 calls

about this.

I'm at a loss to decide what
to do next.

I spent more than \$12,000 on
attorney's fees to try to
get a reasonable circum
vince of this behavior of
this applicant.

Thank you.

>> Mayor Leffingwell: One
more speaker, david hartman.

And again, this is the
public hearing for item 71
and 72 together.

>> Thanks, mayor and
councilmembers.

David hartman, I represent
mark cath deep cart, the
most immediate adjacent
landowner from the

applicant's request.

My presentation, basically
the brief history is that
the applicant came before
the neighborhood planning

SUBCOMMITTEE MAY 18th 2003

Recommending an -- that that
body initiated an out of
cycle deed applications.

That committee minutes
recommended that they
basically talked with the
neighbors and come up with a
workable solution.

The that applicant never --
can you flip my powerpoint.

Second page.

You can see the applicant
never discussed the matter
with the neighbors and filed

these applications in the
cycle on february 2012.

Next slide.

Basically this application
to zone 723 square foot,
12-foot strip no mystifies
me.

It violates the land
development code
requirements for no zoning.
And the last bullet, it
doesn't meet the no district
definition for access
collector street.

The bouldin creek
neighborhood plan, I'll
direct your attention to
basically that second, third
bullet under no properties
located within the interior

of the neighborhood that are
zoned single-family shall
remain single-family.

That last bullet basically
confirms that the recurring
theme of that plan is to
control problems with
commercial parking,
especially at this exact
intersection.

And again, kind of the
second bullet point says
with regards to the -- this
team is seeking to prevent
encroachment of commercial
use into the residential
parts of the neighborhood.

And that very last slide,
the maximum enforcement of
current regulations at the

intersection of south first
and johanna, which is this
intersection.

Parking variance request
within this area should be
given maximum scrutiny.

So in summary, I would just
kind of reiterate the bullet
points and the last slide,
kind of reiterate what we've
discussed.

Zoning staff recommendation
said that the proposed
zoning would constitute a
grant of special privilege
without consideration for
the intent of the proposed
zoning district or the
existing single-family
residential to the west.

I direct your attention to
page 7 of the agenda item 71
on the neighborhood plan

amendment where Stewart
Hampton, chair of the
Bouldin Creek neighborhood
plan contact team on behalf
of the executive committee
recommends disapproval.
I'm happy to answer any
questions.

>> Mayor Leffingwell:

Questions?

Is there anyone else that
would like to speak in this
public hearing?

On item 71 or 72.

Normally this would be time
for rebuttal by the
applicant, but there's no
one here to represent the
applicant.

Councilmember Tovo?

>> Tovo: Mayor, I'd like
to move denial of this

request.

>> Mayor Leffingwell:

Okay.

>> Tovo: Do we want to
take them one at a time?

>> Mayor Leffingwell: Let
me just -- just to be on the
safe side, let's make that a
motion to close the public
hearing and deny item number
71, which is amending the
flum.

Seconded by the mayor pro
tem.

Is there any discussion?

Councilmember morrison?

We're just taking them
separate.

>> Morrison: I just want

to say that it's really
unfortunate that the
applicant chose not to be
here, bonder this is such an
egregious encroachment that
is in violation and contra
tracts everything that we
know about, all the
documents and all, that i
think it's safe to go
forward today.

>> Mayor Leffingwell:

Okay.

All in favor of the motion
to deny say aye?

Opposed say no --

[laughter].

Say no.

All right.

That it passes on a vote of
six to zero with

councilmember spelman off
the dais.

And councilmember tovo moves
to close the public hearing
and deny the zoning change
request as well.

Seconded by the mayor pro
tem.

Discussion?

All in favor say aye?

Opposed say no?

It passes on a vote of six
to zero with councilmember
spelman off the dais.

And that brings us to what i
believe to be the last item
on our agenda, which is item

87.

>> Thank you, mayor,
council.

The last item on the agenda
today is a floodplain
variance request for 200
heartwood drive in the
williamson creek watershed.

Heartwood drive runs to the
top of the screen there.
You can see the 100 year
floodplain on williamson
creek in color and the 25
year floodplain in the dark
blue color.

The house has been in its
existing location since
1977.

And currently the house --
finished floor elevation of
the house is approximately

three feet below the 100
year floodplain elevation.

There are two pictures of
the existing house.

As you can see it's a
two-story house, garage on
the back side.

The garage itself fronts on
to heartwood drive.

The owner of the house has
submit add residential
building application to
partially convert a portion
of the garage to condition
space for the house, so
existing conditions such as
a two car garage they're
proposal is to essentially
cut that space in half and
the back half of the garage
would be converted into an

extra bedroom, an existing
three-bedroom house.

It will be a four bedroom
house and then some area for
the kitchen as well.

It will be a little bit of
conditioned area of the
first floor of the house.

Because of the development
application, we compare
what's being proposed to the
floodplain regulations and
these are the four variances
that are being requested
tonight.

The first one being that
it's a violation of the
floodplain regulations to
alter a structure to

increase its nonconformity
and staff considers when you
add conditioned space to a
house that is nonconforming,
in so much as it's three
feet below the 100 year
floodplain and it does not
have access out of the
floodplain, it's increasing
the nonconformity of that
structure.

In addition, either that
they are converting is three
feet below the 100 year
floodplain elevation.

And there's no safe access
in other words from the
house itself to a location
that's out of the
floodplain.

There's no safe access out
of the house.

The last variance request is
the variance to the drainage
easement requirement
inasmuch as just excluding
the house footprint from the
drainage easement itself.

Just real quickly to touch
on the nonconforming use and
the safe access criteria,
again, the nonconforming use
criteria, basically if we
have a structure that is
nonconforming, our goal is
to not increase its conform
five-zero -- because in
doing so we could be doing
several things.

We could be -- it could
increase flood hazards if
there's a flood at the
house.

In addition increasing the
nonconformity inasmuch as
the safe access rule.

We have additional occupancy
inside the house that
doesn't have safe access.

This proposed development as
I said increases the
conditioned area in the
house.

Without the safe access and
it's below the floodplain
elevation.

As far as the safe access
criteria again I talked
about that.

That rule basically says you
need to walk from a house
that's above the floodplain
to a point that's out of the
floodplain.

We don't want people
essentially building on an
island.

We want people to be able to
walk out of the floodplain,
and that's obviously a
benefit for the owners or
the occupants of that
structure in addition to
their first responders.

Since the house itself sits
three feet below the 100
year floodplain elevation,
obviously safe access
doesn't exist in this case.

Just a quick summary of the
findings.

So again, the proposed
development internal remodel
so there's no effect
on the floodplain he will
vagues of woman creek at

all.

It's all internal to the
existing house.

The finished floor elevation
of the house is about three
feet below the 100 year
floodplain.

They are increasing
occupancy within the
floodplain with the
additional space of the
conditioned area.

No safe access for the house
exists.

And as far as the hardship
condition, there are
findings that there's no
hardship condition for this
property.

There's an existing house on

the lot.

It's a usable house and it's
being used today.

In addition, it is a
two-story house and
there's -- if they -- they
could maybe consider putting
some of this area on the
second floor of the house.

We did discuss that with the
applicant and their comment
to us was that this
additional bedroom is to be
used for I believe they said
for an he would -- their
elderly mother who couldn't
walk up the steps.

So that's why they needed
the room on the first floor
of the house itself.

There is a draft ordinance
in the back of your packets.
I wanted to bring it to your
attention the two conditions
that we did put on that
ordinance if council will
find to approve the
variance.

One of those conditions is
for the drainage easement
document.

And we would require the
drainage easement with the
exception of excluding the
footprint of the house
itself prior to certificate
of occupancy.

And the second condition is
for the elevation
certificate.

We actually have an

elevation certificate that
they supplied to us.

There are just two numbers
that need to be fixed on
there.

No additional survey
required.

It's just a minor change
that the surveyor would need
to make, so that should be a
pretty easy fix for
themselves.

That's all I have.

If you have any questions, i
would be happy to answer.

>> Mayor Leffingwell: I
have a question.

Williamson creek, just
refresh me on that.

It seems like it has been a major flood hazard creek in the city of austin, one of the two most -- one of the handfuls, most problematic, and we have been working on a number of ways to mitigate that for a lot of years, including buyouts, including engineering solutions.

Is all that correct?

>> That's correct.

Williamson creek is -- has a significant number of flood hazards, a lot of flooded structures, especially in this fairview neighborhood.

The corps of engineers study that we did several years

ago did look at some engineering options to cut the channel.

And they also looked at some buy out options.

All those options were not feasible and so the corps of engineers essentially closed the study.

>> Mayor Leffingwell: So in other floodplain areas we've already begun this process.

We've been dealing with this for years and trying to get matching money, matching funds from the federal government doing buyouts on onion creek in particular.

And I think that's the way

it goes is that when you buy these properties out, it has to be somewhat related to the size and value of the house.

So it's just hard for me to look at this and see that we're adding to the living space of a house that we might have to turn around and buy at some point.

This meets none of the criteria.

Finished floor area is three feet below.

Did you say the 25?

>> Three feet below the 100 year.

>> Mayor Leffingwell:

Below the 100 year

floodplain.

The access is also half a foot to three feet below, which is much more than our -- criteria we like to have, which I believe is a foot and a half for fire vehicles, fire fighting vehicles.

Which imposes potential hazards on our personnel, which might have to go in there for a rescue, whether it be e.m.s. or fire.

And there's no hardship.

That has been identified at least at this point.

I won't be able to support this set of variances.

Support this ordinance.

Councilmember martinez.

>> Martinez: Yeah.

I'm not going to support the
request either, but just by
way of reference, this is
the neighborhood where we
approved multiple floodplain
variances, but they were
approved after the fact,
after the structure had
already been --

>> grandfathered.

>> Martinez: Yeah.

So we already have multiple
variances and structures,
nonconforming structures in

a floodplain that we've
granted variances on.

So it only exacerbates the
problem in my mind to
continue to do this.

If there's no identified
hardship, I think adding to
what exists there is not
appropriate.

I make a motion to deny the
variance request.

>> Mayor Leffingwell:

Motion by councilmember
martinez to deny.

Seconded by councilmember
morrison.

Is there any further
discussion?

All in favor say aye?

Oppose said no?

-- Opposed say no?

We closed the public hearing
and denied.

Of course that's hard to see
how we would have a public
hearing when an item doesn't
exist anymore, but
nevertheless, we've set it.

So that passes on a vote of
six to zero with
councilmember spelman off
the dais.

Thank you very much.

And those are all the items
that we have on our agenda.

Somebody have another item

they wanted to bring up?

So without objection, we
stand adjourned at 8:53 p.m.

See you tomorrow at 2:00.